

SPEAHRhead

Winter-Spring 1980

BULLETIN of the SOCIETY FOR THE PROTECTION OF EAST ASIANS' HUMAN RIGHTS

Opposition Leadership Held Captive by KMT

Taiwan's Chinese Nationalist rulers have engaged in an international propaganda campaign to sell their version of the December Kaohsiung incident, and to justify renewed political repression. The campaign has been conducted by the Government Information Office. GIO Director James Soong has attacked those,

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including SPEAHR president James Seymour,¹ who have charged that the government committed serious human rights violations. The GIO called the charges "lies," and implied that they were communist-inspired.

The propaganda barrages appear designed to obscure the central fact of current Taiwan politics, namely that the government, which is the monopoly of the Nationalist Party or Kuomintang, has used the Kaohsiung Incident as an excuse to imprison virtually all of the opposition leaders, including some who had little or nothing to do with the incident. In addition, the government closed down many independent publications, only one of which was connected with the events in Kaohsiung.

SPEAHR deplores all political violence. Any policemen or civilians injured in Kaohsiung have our heart-felt sympathy.² The government has every right to punish (within reason) the real culprits. Indeed, it

For notes,
see p. 48.

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"Goodbye, Democracy Wall. . . . I hurried to you in the cold days of November. You gazed at me with your gray eyes, embraced me, and showed me friendship and hope."

WP-5A79

Democracy in China: How Serious a Setback?

In December the People's Republic of China announced that the right of people to write and post political notices would be severely curtailed. "Those who put up posters will be held responsible for the political and legal implications of the content."¹ Then, in February, the Central Committee of the

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Communist Party endorsed Vice Premier Deng Xiaoping's decision to delete from the Constitution the people's rights to "speak out freely; air their views fully, hold great debates and write posters."²

Do these steps herald an end to China's human rights movement?

The visible movement survived for thirteen months, from November 1978 to December 1979. Although mounting posters on Beijing's Democracy Wall is now illegal, and those who dare to so express themselves have been relegated to Moon Altar Park some three miles away from midtown, we should not conclude that Chinese interest in human rights has been destroyed by bureaucratic fiat. Judging from the

1. BJ6†7D.
2. WP-1M.

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SPEAHR seeks to advance the cause of human rights in China, Taiwan, Mongolia, North and South Korea, and among the Asian Ethnic minorities in the Soviet Union.

We view the struggle to promote human rights as virtually synonymous with the struggle to promote non-violence. Our conception of non-violence is a broad one. It is as violent to permit people to starve as it is to torture them. It is as violent to imprison people because of their beliefs as it is to kidnap them for ransom.

We are confident that the best solutions to the many social and economic problems will emerge from within these societies, once the various political groups interact non-violently—i.e., respect each other's human rights. We are convinced that ruling groups waste much of their nation's resources and human energy when they attempt to eliminate dissent. And when a particular social policy is adopted simply because its advocates enjoy the preponderance of force, there is no reason to believe that the policy is more desirable than alternative policies for the people affected. Only when the issues are debated by a public with access to a range of ideas and information, do we have some reason to hope that the more socially advantageous paths will be followed by those in authority.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

On December 10, 1948, the General Assembly of the United Nations proclaimed this declaration as "a common standard of achievement for all peoples and all nations."

Article 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3. Everyone has the right to life, liberty and security of person.

Article 4. No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6. Everyone has the right to recognition everywhere as a person before the law.

Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9. No one shall be subjected to arbitrary arrest, detention or exile.

Article 10. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11. (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13. (1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country

including his own, and to return to his country.

Article 14. (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15. (1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16. (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17. (1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20. (1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21. (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22. Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23. (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25. (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26. (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27. (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28. Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29. (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30. Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

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EULOGY TO DEMOCRACY WALL

By Huang Xiang

From Democracy Wall, 25 March 1979

Note: This poem, by the democratic movement's leading poet, was reprinted in Enlightenment Series (Qimeng Congkan), published in Guiyang. Huang identifies himself as an employee of the Guiyang Knitting Mill. In a prefatory note, he says that poetry is his "native land," and that Democracy Wall is the "Marseillaise" of his heart.

JR3922

Oh, China, I see you are standing up at Democracy Wall.
Here you stand and shout, and talk aloud.
In your hands is the mimeograph ink roll or a newly printed poem.
Your body is spattered with blue and black ink.
You are surrounded by numerous people;
Truly numerous and ever-increasing,
Including men, women, the aged and the very young.
You loudly proclaim democracy and about the future;
You also answer inquiries, questions or queries from all quarters.
Your voice is steady, your eyes calm, full of warmth and confidence.
Although around you are boisterous and disorderly noises,
They are full of confidence and support,
Mixed with misgivings and worries according to the people's looks.
You have just cast off the shackles
Which have left blood stains on your arms.
You have just stepped out of prison
With the swinging doors closing behind you with a creaking noise.
Yet China, you have never retreated—
Conscience has forced you to open one eye and close the other.
Today, you are no longer in prison
Or separated from the world by an imperial wall.
After being dumped into the baggage of autocrats and dictators,
You have now returned to the people.
You are a common worker, a common peasant and a common soldier.
You are an enthusiastic orator, refuted by some and defeating others.
You are an upright poet, praising blue freedom and white brightness.
You are a thinking, wide-awake person, a speaker, a judge and a chooser,
A common citizen daring to expose and equally daring to praise.
Oh, China, you may have failures or setbacks,
And be submerged in the noise of distortion and slander,
And thrown into jail again along with freedom.
Yet China, as either the victor or the vanquished,
You will forever—
Stand—stand on the Democracy Wall.
Fall—fall below the Democracy Wall.
And in the Constitution now being born for the republic—
The Constitution of the People's Republic,
You will leave your great signature.

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We are pleased to receive articles and information. Materials will not be returned unless U.S. postage and an address label are provided.

The Arrest of a Pacifist

By Huang Hua

The author of the following account is a well-known advocate of democratization and human rights for his fellow Taiwanese. Before writing this, he had served two prison sentences (1963-66 and 1967-75). After his release in 1975 he and some friends published a democratic political journal Taiwan Political Review, five issues of which appeared before the publication was closed down by the Chinese Nationalist authorities.

This incident, involving Huang Hua and the Nationalists' police, took place in Taipei in 1976.

We are grateful to the International Committee for the Defense of Human Rights in Taiwan for permission to reprint this selection from the Committee's forthcoming collection of Mr. Huang's translated writings.

Early in the morning of March 25, while I was still rolled up in my covers peacefully asleep, I was suddenly awakened by a pounding and shouting at the door. I quickly clambered out of bed, flung open the door, opened my sleep-heavy eyes to take a careful look. There was a neatly uniformed policeman with three plainclothesmen standing there.

"What's your name?"

"Huang Hua."

"I.D.?"

"I asked someone to take it to the Shuang Yuan Office to exchange it for a new one."

"How many people live here altogether?"

"Just me and my roommate."

"I'm asking you how many people live on the fourth floor altogether?"

"I wouldn't know about that."

At this time, two of the plainclothesmen went next door and knocked furiously on the door, but no one answered.

"How can you not know?"

"How *could* I know? In this kind of apartment building, everyone keeps their doors locked. People either go out early and come back late, or leave late and return early. I've never seen any of them."

"Did you know that call girls live in the two rooms in front of you?"

"No, I didn't."

"You don't know their names?"

"No, I don't."

"How can you not know? They said you were their pimp."

"What?! That's absurd! How can you charge me with that?"

"OK, get up! What's that? Bring it over here and let me see."

One very tall plainclothesman suddenly raised his voice and forced me to take out a trunk from the closet and show it to him. It was my roommate's clothes chest. He opened it and looked inside. Outside of one or two pieces of clothing and some miscellaneous papers, there was nothing he wanted and he put it back.

"Did you register your change of address?"

"Yes, I did."

"And your registration slip?"

"My landlady took it two days ago. She said the ward office wanted to see it."

"We never saw it; you're lying," the smartly uniformed policeman retorted. But when he spoke, his face went white, and his voice sounded very forced, as if he were really restraining himself from speaking his mind.

"This just won't do. You don't have your I.D. and you haven't registered your temporary residence. How am I supposed to know you're really Huang Hua?"

"I did register! It's not true that I didn't register. The landlady's downstairs—we can go downstairs and ask her. She can prove that I'm really Huang Hua."

"Why are you running a call girl service?"

"What?! A call girl service?! How can you pin that on me? How can you say I have anything to do with it?"

"The girls all said you were their pimp. You still deny it? Let's go. Let's go. Get dressed and come with us!"

"Huh? What is this anyway? How can you implicate me in some call girl service? If you want to set me up this way and give me a hard time, then nothing I can say will make any difference."

"Never mind! Get dressed and come along!"

"Okay. But first I want to take a crap. It is my habit to take a crap after I get up."

"Let's go! You can take your crap when we get there!" the tall one shouted.

The four of them looked so threatening, as if each one were some kind of kung-fu master. It seemed like they were deliberately trying to get me worked up, trying to draw me into an argument or fight.

"Okay, if we gotta go, let's go," I said, as I put on some clothes. When I finished dressing, I followed them out the door. I asked them to let me make a telephone call, but they refused. I looked at my watch. It was exactly 6 a.m.

"Even if I were guilty of murder, I would have the right to phone my family or anyone I need to."

"Let's go! Don't run off at the mouth! I know you know the law. . ." Two men roughly hemmed me in on either side, pushing and shoving me down the stairs.

"This is no good. The way you behave you'd think there's no law, no reason!" At this point I raised my voice. Based on past experience, I guessed that they probably wanted to take me secretly. I had to speak loudly to let my neighbors know so

that my friends could then rescue me.

"Taking me like this without any cause or reason is bad news for our country," I shouted. "You're much too disrespectful of the law. You're being ridiculous!"

When we left the building, I demanded that we look for the landlady to check my story, but they refused. They shoved me onward, onward, right through the alley. I never stopped repeating these things at the top of my lungs.

"How can you say our country is bad? Bad?" they demanded. "Bad?! Every place is bad. You're wearing such well-made clothing. If our nation were so bad, how could you have such clothes?"

"I didn't say our country is bad. I just said that behavior such as yours is bad for our country."

"You're like a small child who doesn't know good from bad. The country's bad?! What's wrong with it? If it's so bad, how can you wear such nice clothes? You have no idea if you were living under the Communist bandits over on the Mainland you wouldn't even have a suit!"

"Look! I never, ever said our country was bad. I just said these shenanigans of yours are bad for our country."

"What's so bad—how can taking you be so bad for the country?"

At this point I was shoved into a police car parked at the entrance of the lane on Changsha Street.

"You're a child who has never had to suffer life under the Communist bandits. You don't know how bad the Communist bandits are!"

"I know."

"You know? You never took up a gun to fight the Communist bandits. You've never seen a Communist bandit. How can you know?"

"Although I have never fought the Communists, in political prison I have struggled with Communists."

"Bullshit! The articles of yours that I've seen aren't like that—only articles cussing out our government. Articles like that are helping the Communist bandits."

"You're wrong. My articles are all very strongly anti-Communist, of not the slightest benefit to the Communists."

"What?! What do you mean?"

"I believe that your illegally taking me like this without cause is what really is beneficial to the Communist bandits." As I was saying this, the car had almost reached the Han Chung Street police station.

It seemed that we had stopped talking for some time, but when we reached the entrance to the police station, a loud voice of someone older suddenly yelled out. "Hey! How can you say that we are worse than the Communist bandits?"

"What? I never said anything like that!"

"You very clearly said just that a little while ago—you still deny it?"

They continued to insist that I had uttered this blasphemy, and they dragged me upstairs to make a deposition. They tried to force me to write that in my moment of excitement I had said that they were worse than the Communist bandits. I insisted that I had never said that, but they wrote down that I had. I didn't sign the statement. They threatened me, saying that if I didn't sign, they would take my hand and put my fingerprints to it. But then all of a sudden, one guy said that it didn't matter if I didn't sign—that just signing a refusal to sign was all right. But when under "deponent" I wrote, "The statements above are not true, Huang Hua," he very angrily tore it up and told the police captain to just write, "The deponent refused to sign," and be done with it.

While making the record, two or three of them were always yelling at me and bawling me out, even insulting me,

but I kept answering them calmly, "You've got no grievance or grudge against me. This can't be *your* decision, to get me like this. I'm not holding you to blame. And it'd be better if you'd just calm down a bit—don't get so fired up. . ."

It was almost eight when we finished the deposition. We stopped for awhile, and they sent me to the Lung Shan Precinct and left me in an office. They told a policeman who knew nothing about the case to keep an eye on me. After sitting there in a daze for awhile I appraised the situation. I knew that my only hope would be to make a telephone call to my friends and let them know what had happened, but I certainly wouldn't be allowed to do that. So what was I to do?

Fortunately, at around a quarter past eight, the man who was keeping watch got engrossed in a conversation with someone. I hurriedly and quietly picked up the phone on the table in the office and called Chang Chun-hung, telling him I had been taken to Lung Shan Precinct. Just as I uttered the vital words the police noticed me and moved to stop me. But they were too late.

At about 9:00 a police officer came to talk to me. He asked me why I had refused to sign the deposition. I said that I couldn't sign my name to the untruths that it contained. One by one, I told him the real facts. He asked me whether I had shown an arrogant attitude toward the policemen when they had been "performing their duty," to which I replied that I had not. Then he wrote down two or three questions and answers on the back of the deposition sheet, and asked me to sign it. Under the caption "Deponent" I wrote: "The signatory

Chen Jo-hsi and Ramsey Clark Appointed SPEAHR Advisors

SPEAHR is pleased to welcome two distinguished appointees to the Board of Advisors: Chen Jo-hsi and Ramsey Clark.

Ms. Chen is the author of *The Execution of Mayor Yin*, a collection of short stories which critique human rights violations in the People's Republic of China. She also made representations personally to ROC president Chiang Ching-kuo on behalf of imprisoned political dissidents in Taiwan.

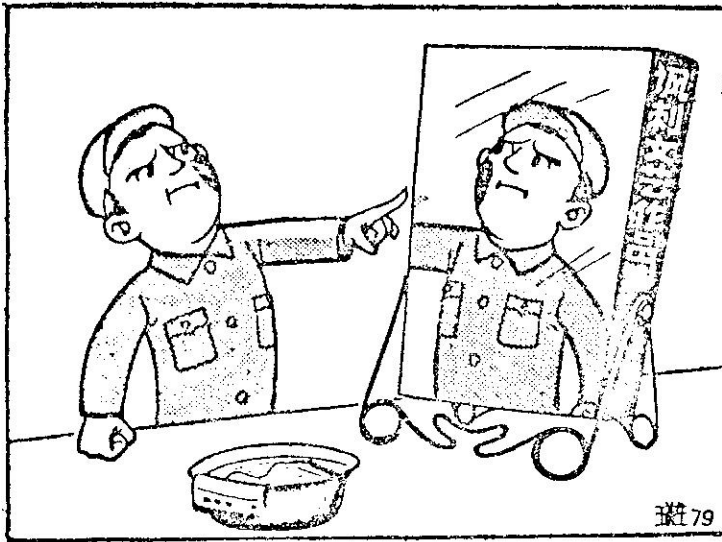
Former U.S. Attorney General Ramsey Clark led a mission to Taiwan in early March just before the trial of the Kaohsiung Eight. Upon his return to New York SPEAHR sponsored a well-attended press conference for him. His findings appear in an article published in the March 22 issue of *The Nation*. Clark wrote:

"The indictment is a political act. . . . The world will judge whether the government of Taiwan is guilty of further violation of fundamental human rights. . . . All people with a passion for justice will hold that government accountable."

Yao and Lin: Legal Aid Promoters

Two of the men arrested by the Chinese Nationalists in December are distinguished lawyers who did much work to promote legal aid services for the poor. Lin Yi-hsiung was active in helping establish and run Taiwan's network of legal aid centers. Yao Chia-wen was the intellectual driving force behind the movement.

Yao Chia-wen was internationally recognized as an authority on legal aid, and addressed conferences on the subject in Asia and Europe. He told the 1977 Manila Conference on the Law of the World that "lawyers in developing countries must not only rectify their aversion to the poor, but must also cultivate their duty to serve as an instrument of social change. . . . In addition to. . . providing accessibility and availability of service, [they] must increase emphasis on law reform and . . . recognize the lawyers' obligation to those who do not seek justice on their own initiative as well as those who go knocking on the lawyer's door."



这是丑化

王益生

Smear. Man looking into mirror ("satirical literary works") says, "This is a smear."

Cartoon by Wang Yisheng. From *People's Daily* 20a, JR4430.

Huang Hua recognizes only the supplementary question part as true." Satisfied with that, he asked me to wait there a little more, and left.

I sat there waiting quietly a long time. I waited and waited. From experience I knew that it was best not to think about anything at such times, so I just sat there in a Zen-type posture, trying to transpose myself into a quiet state of mind.

Sometime before 10:00 my friends Huang Hsin-chieh, Chang Chun-hung and Lin Ching-shou appeared, and I met with them briefly. Then the precinct decided that I was to be punished with two days' detention for having broken police regulations. In the meantime, however, Huang Hsin-chieh would be allowed to post my bail, and I had five days in which to appeal the decision.

But will the appeal do any good? Who knows? If the facts are such-and-such, but they keep on insisting that they are otherwise, then who am I to do anything about it? Unless they change their minds it looks to me like I'll certainly have to spend two days in jail. So I'm prepared to fast and meditate, if possible. If I have done anything wrong, then my suffering would be deserved. If I haven't, then I hope that through my self-inflicted suffering I can get those on top who had treated me this way to reconsider, with "love and non-violence" as the starting point. At the same time, I hope all the more that my close friends and those supporting me will not only forgive the police who had treated me so rudely and harshly this morning, but will also, from the bottom of their hearts, forgive the person who gave the order.

The equitable distribution of power has been neither rationally nor effectively accomplished, and those who have it can carry on pretty much as they like. This is an unavoidable

fact of the political world. Understanding this, I find that any feeling of hatred or humiliation that I may have is naturally dispelled. But no matter what the insult or how bad the injustice, two days in prison is nothing compared to the ten-year stretch that I already did as a political prisoner.

I have decided to file the appeal, as permitted by law. For to preserve and respect human rights, even one hour of unjust detention should be avoided. So I feel that, whatever the outcome, I should try all paths open to me and file the appeal, exhausting all possible peaceful means of seeking relief.

Since the *Taiwan Political Review* was banned, to make a living I opened up a small snackstand in West Gate with my friends, Chang Chun-hung and [Lin] Ching-shou. We make spring rolls and pork rib rice. Just trying to be law-abiding small businessmen making a living, we made all the proper applications required by law. Could it be, however, that such a prosperous place as this has no place for a couple of fellows trying to eke out a livelihood for themselves?

Let's use *love* and forgive everybody! I believe that their basic good instincts are only hibernating. If people could only practice love more, we would be able to get rid of violence. A harmonious society and harmonious relations between people can always be created out of love.

4 p.m., March 25, 1976 at the Silver Chariot Coffeehouse, Taipei.

EPILOGUE

Eight months after this was written, Mr. Huang received a ten-year prison sentence, which he is still serving.

Post-Kaohsiung Arrests: KMT Numbers Game

“The New China News Agency, mouthpiece of the Peiping [Beijing] regime, said. . . ‘The Taiwan authorities announced recently that more than 100 oppositionists and non-partisan persons have been arrested.’ . . . These reports are sheer lies.”

—Free China Weekly 10F

Our only difficulty with the alleged NCNA statement is the assertion that the Taiwan authorities had made such an announcement. In fact, the arrests have been shrouded in some secrecy (the government insists that no more than 61 were detained), and compiling a complete list of prisoners is impossible. But SPEAHR has been working on the problem, and the results of our effort, while admittedly incomplete, suggest that the figure of 100 is far from being a “lie.” Indeed, for once a Beijing assertion about Taiwan errs on the side of understatement.

The following is a list of people known to have been arrested (except those marked with an asterisk, who disappeared but whose arrests have not been confirmed). Some of those listed below have by now been released. There are also undoubtedly many post-Kaohsiung detainees of whom we are unaware.

- | | | | | | |
|--------|---------|---------|---------|-------------|---------|
| 1 張俊宏 | 23 唐香燕 | 40 陳瑞慶 | 60 蘇治芬 | 79 吳文 | 99 陳智 |
| 2 張富忠 | 21 楊青蠡 | 41 陳福來 | 61 邱垂貞 | 80 蕭正泰 | 100 施明德 |
| 3 陳菊 | 22 姚嘉文 | 42 邱勝雄 | 62 吳文賢 | 81 冬聰凜 | 101 彭阿俊 |
| 4 陳忠信 | 23 唐香燕 | (邱阿舍) | 63 余阿興 | 82 張月卿 | 102 范榮威 |
| 5 邱奕彬 | 24 邱茂男 | 43 蕭裕珍 | 64 許望淑 | 83 林文政 | 103 林瑞堂 |
| 6 吳正連 | 25 范政祐 | 44 田秋堇* | 65 周清玉 | 84 林慧真 | 104 邱春山 |
| 7 周平德 | 26 蕭明臺 | 45 張美貞* | 66 黃阿雄 | 85 黃綜明 | 105 徐輝添 |
| 8 紀萬生 | 27 蔡垂河 | 46 黃重光* | 67 李慶榮 | 86 許晴富 | 106 曾獻斌 |
| 9 黃信介 | 28 陳博文 | 47 袁姍姍* | 68 吳錦洲 | 87 許江金櫻 | 107 馮輝勇 |
| 10 林義雄 | 29 張春男* | 48 曾心儀 | 69 渡田正宏 | 88 張溫鷹(張瑞英) | 108 許應森 |
| 11 蘇慶黎 | 30 劉肅欣 | 49 蔡有全 | 70 廖國昇 | 89 張文文 | 109 張錦華 |
| 12 呂秀蓮 | 31 林安順 | 50 林弘宣 | 71 黃漢唐 | 90 趙振二 | 110 許應良 |
| 13 蘇振祥 | 32 劉華明 | 51 鍾聰明 | 72 林天鳳 | 91 林文珍 | 111 賴正雄 |
| 14 蘇秋鎮 | 33 劉泰和 | 52 呂傳紙 | 73 楊錦文 | 92 張床惠 | 112 施瑞雲 |
| 15 王聲閔 | 34 潘來長 | 53 鄧恩信* | 74 張金城 | 93 謝禧明 | 113 陳振昇 |
| 16 王拓 | 35 史非非 | 54 林淑惠 | 75 陳子桂 | 94 李長宗 | 114 張德銘 |
| 17 魏廷朝 | 36 呂秀紙 | 55 黃昭輝* | 76 司馬文哉 | 95 林信吉 | 115 何文振 |
| 18 林德英 | 37 楊文章 | 56 謝秀雄 | = 蔣春男 | 96 戴振耀 | 116 黃犬福 |
| 19 吳哲朗 | 38 姚國建 | 57 袁主榮* | 77 施瑞雲 | 97 林景元 | 117 黃煒雄 |
| 20 吳振明 | 39 許天賢 | 58 黃昭凱 | 78 張文貞 | 98 辜水龍 | 118 邱勝雄 |
| | | 59 林亞卿* | | | 119 辜水龍 |

CROSSREFERENCE

This section is comprised of items of information arranged according to Universal Declaration of Human Rights article number (see page 2), and broken down thereafter by country or territory. If no article of the Declaration is specifically relevant, we designate the category "00." If more than one article applies, our allocation may be arbitrary.

Inclusion of an item does not necessarily imply a judgment that a violation of human rights has actually taken place. For example, we include information on the use of capital punishment even in the cases of common-law criminals (under 05), though the Declaration takes no clear position on whether or not such executions violate human rights.*

As with other material appearing in SPEAHRhead, we present this information in the belief that it will be of interest to members, but we cannot always vouch for the validity of the allegations. Our sources (usually the official media of the country concerned) are indicated at the end of each item.

A key to abbreviations will be found inside the back cover.

00-C. Procreation. The Chinese government is attempting to reduce the fertility rate to one child per family. (The present rate is 2.3). According to *People's Daily*, 5 million couples (about 29% of those of child-bearing age who have one child) have signed the pledge. This goes against strong traditional Chinese desires for large families. "In dealing with the obstacles arising from these traditions," the paper said, "we should not adopt simple administrative means and coercive measures." However, penalties are to be imposed for those who break the only-one-child pledge, and bonuses are offered for post-natal sterilization. PD put China's present population at 970 million. WP-28F, PD-11F

A Harbin woman (Party member) with three children still refused to practice birth control. She finally "consented" to sterilization, but (according to a Heilongjiang broadcast) she "created all sorts of problems for the Party and the hospital and said things unbecoming a Communist Party member."

15o, JR4564

Race Relations

02-C. Liberalization continues to characterize Beijing's policies toward the various non-Han nationalities. For example, the performance of non-Han operas is being encouraged. More importantly, a new look is being taken at cadre recruitment practices. "Closed-doorism" is said to have prevailed in some areas (meaning either that cadres were mostly Han or that there is a severe shortage of cadres in minority areas). In part, this has been an unintended effect of the policy of recruiting cadres largely from among the urban (i.e. Han) population. An article in PD (8†20N) urged that the situation be improved, but did not indicate that this would be easily accomplished.

But the new emphasis on admissions standards have hurt the ethnic minorities' chances of being admitted to college. In Guangxi's Bose Prefecture (inhabited by Zhaungs, Yaos, Miaos, and Yis) only 158 (1%) of last year's high school graduates were

admitted to college. This is only one-twentieth the national average. Quota systems and lower admissions standards are planned for the future. NYT-4M

Other developments:

Kazakhs. A 1,500-page Chinese-Kazakh dictionary is being published. According to a Beijing broadcast, it is the first of its kind. JR4564

Koreans in China (of whom there are approximately 1,300,000 in Manchuria and Inner Mongolia). Over 60 books in the Korean Language, some by Koreans, are currently being published. Included is the novel *The Eagle over Green Mountain*. In the past 30 years, 120 million copies of Korean books (7,500 different titles) have been published in China. BJ26†30N

Mongols. Six of 9 newly-appointed Inner Mongolia judges are of the Mongol race, as are 4 (of 7) procurators, and 6 (of 13) vice chairmen of the standing committee of the regional congress.

28D†4I, BJ30D†4I

There have been some interesting commentaries on the subject of Genghis Khan in the Chinese press. (Not all of them have been appreciated by the government of the Mongolian People's Republic.) An article in *Guangming Daily* opines that all of his subject peoples, including Mongols, were his victims, and that he should be considered neither a Chinese nor a Mongol hero.

11†19S

Mosloms. Racial tensions in Yunnan's Red River Prefecture erupted in 1975 producing the "Shadian Incident." The Moslom dissidents were termed "counterrevolutionaries" at the time, but now this label has been lifted. It is admitted that Mosloms had been "abominably insulted" in Shadian and other villages. Local cadres and citizens are being rehabilitated, and authorities are paying house-to-house visits to make amends. (For more on Red River Prefecture, see Sh 2, p. 13.) BJ10†12S

Tibetans. Poems by the Sixth Dalai Lama (18th century) have been published (BJ8†10I). Noted Tibetan scholar Xerab Gyaco, who died in 1968 "a victim of the ultra-leftist line," has been posthumously rehabilitated. A memorial service was held for him in Xining on October 6 (BJ6†10o).

Yaos. During the Cultural Revolution the Yao people of Yunnan were ordered to stop using their native language. Women were forced to cut their hair short and abandon traditional dress. The hunters' rifles were confiscated. To escape the oppression, whole villages evacuated, with people fleeing to the forests where they lived for years. NYT-4M

*The term "common law" is used on these pages in the sense of the first ("obsolete") meaning given in the *Oxford English Dictionary*: "The general law of a community, as opposed to local or personal customs." The "community" is taken to be the international community, and a "common-law crime" is an act which is deemed a crime in virtually all nations (acts of non-governmental non-consented violence, larceny, etc.). The essential distinction to be made (except when discussing torture, and perhaps capital punishment) is between convicted common-law criminals, and prisoners of conscience.

02-JP. Japan. Two recent articles on minority groups in Japan (Buraku, Koreans, Chinese) have appeared in *Universal Human Rights* (j), and *The Review of the International Commission of Jurists* (D). The latter discusses recent court cases.

The *New York Times* (15a) carried an op-ed piece by Takao Tokuoka about racial discrimination in Japan. Victims include people from various parts of Asia, and Japanese of partial black parentage.

02-MPR. Mongolia's official *Unen* has indicated official hostility toward the country's Chinese minority, who are said to function as agents for China's "hegemonistic" designs. The Chinese school in Ulaanbaator "serves as a breeding ground, poisoning the minds of young Chinese with Han Chauvinism." Graduates accused of leading parasitic lives. Some Chinese said to be smugglers or spies.

6†11D

02-U/C. Uyghurs. Radio Tashkent has been broadcasting propaganda in Uyghur aimed at Xinjiang ("East Turkestan"). Conditions in the region said to compare unfavorably not only with conditions of Turkic and other minorities in the USSR, but also with conditions in Xinjiang during the period of Soviet influence there (1949-1954).

17S-10o†1N, 11-17o†16N.

02-U. Soviet minorities:

Kirghiz. The Russian language was promoted as "a second native language" in a 5,000-word editorial in the Frunze *Sovetskaya Kirgizya*.

†25I

Jews. The *New York Times* (10o) carried a report by Theodore Shabad from Khabarovsk, adjacent to the Jewish Autonomous Region, northeast of Manchuria. The region's newspaper *Birobidzhaner Shtern* is the USSR's only Yiddish daily. Local Yiddish theater productions described.

Tartars. Alan Fisher's book *Crimean Tartars* was removed from the Moscow international book exposition.

NYT-4S.

Cruel Punishment

05-C. There has been considerable discussion in the Chinese media on the question of the circumstances under which the harsher criminal penalties should be imposed. The example is cited of the famous historian Sima Qian (3d century B.C.) who, because he offended the emperor, was imprisoned and castrated (31I†1F).

An article in *PD* discusses with approval the practice of the reprieve of death sentences. "Some of our comrades are worried that death sentence reprieves might weaken our struggle against criminals and counterrevolutionaries who are guilty of the most heinous crimes, . . . [but actually] the adoption of this system not only will not weaken our struggle against criminals who have committed the most heinous crimes, but will help focus the attack precisely and relentlessly on the enemy and criminals. Some comrades are also asking: Would granting a death sentence reprieve not in fact increase the emotional burden of offenders? Would this practice not be 'inhuman'? . . . [On the contrary,] this is the greatest magnanimity in comparison with immediately carrying out the death sentence, . . . and will enable them to have the hope of being 'reborn.'"

4†21I.

Chinese law and practice has allowed a range of punishment for a particular crime. A *PD* article discussed the circumstances under which the most severe penalties should be imposed. Examples given are: crimes of a collective nature, the principal offender in such a crime, instigators, and crimes in which people are injured or killed. "Anyone who, without proper authorization, detains, beats or humiliates another person must be severely punished. A state functionary who extorts a confession by torture resulting in a disability or false charges against others or abuses his power and uses it for private gain and postal workers who privately open mail to steal money must be severely punished in accordance with the relevant provisions of the criminal law" (7†21I). *Beijing Daily* urged harsh sentences notwithstanding the risk of "inevitable errors" (HK3†5D).

Examples of torture continue to be reported. Some of these stem from the reported incidents which occurred some years ago, but a few are more recent. Military leader Guo Xingfu was "tortured for a long time" during the Cultural Revolution and most of his family were driven to suicide (*Liberation Daily* 12†25I). In an open letter to Song Qingling (Soong Ch'ing-ling) a woman has charged that "special guards" tortured her to the point of madness because her father was a Christian (AFP 1j, JR3857). Last May Qiqihar worker Zhang Yujiang was "illegally arrested" and tortured during interrogation. The Party filed an accusation against the security department, and the procuratorate "will handle the case in all strictness" (HL3†17S).

As with a similar case on Taiwan a few years ago, it was subsequently discovered that another person had committed the crime. It is unclear in these cases (both CPR and ROC) whether torture is equally unacceptable when no other defendant is discovered.

GUIDE to the UNIVERSAL DECLARATION OF HUMAN RIGHTS

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Executions (political). On November 1 the Chinese Writers and Artists' congress paid tribute to over one hundred of their profession who "died under persecution" during the Cultural Revolution.

Mei Gongbin, one of the organizers of the Kuomintang Revolutionary Committee in 1948, "died as a result of persecution" in 1973 (BJ18†21I). Zeng Yifan, a revolutionary leader since the 1920s, "died as a result of persecution" in 1967 (BJ19†21I). Not only was historian Wu Han killed (as previously reported); so was his wife Yuan Zhen (BJ14†17S). The deaths are blamed on Lin/Four "and that advisor of theirs." Wu's colleague Deng Tuo, whose murder was also previously reported, has also been rehabilitated. The "outstanding Party member, and faithful proletarian revolutionary fighter" was honored at a memorial service (BJ5†6S).

Wu Weizhou, an American-educated engineer, was "wrongly charged as a 'secret agent'" and died in prison (BJ11o†). Hou Jinjing, noted literary critic, died in 1971 "as a result of ruthless persecution" (BJ6†11o). Poet Han Beiping died in 1970 "as a



杞人忧春

廖冰兄作

Paranoia. The "Man from Qi" (i.e., a needless worrier) is concerned that the thaw will produced "poisonous weeds."

Cartoon by Liao Bingxiong. From *People's Daily* 6a, JR4430.

result of cruel persecution." The 1975 death of martyr Zhang Zhixin has been blamed by her mother on Beijing regional military commander Chen Xilian. The mother's letter to this effect was published in a wall poster by the dissident group Autumn Fruit (AFP 2o†). Control Commission member Liu Shengzhi was persecuted and died in 1969. The "slanders and false charges" leveled against him have now been repudiated (SH15†16F79). Film artist and Literary and Art Federation vice chairman Cai Chusheng "died from persecution" in 1968 (BJ26†31I). Ms Zhang Xiuyan, active in the Communist movement since 1927, "experienced untold suffering" and died in 1968 (BJ25D†4I). Diplomat Zhang Hanfu died "under cruel persecution" in 1972 (BJ18†20S, 19S†). Writer Shao Quanlin was "persecuted" by leftists and "unjustly died of illness in prison" in 1971 (BJ20†21S). Former Tianjin Revolutionary Committee vice-chairman died in 1971 "as a result of a political frameup and relentless persecution" (22†26S). Hebei CPPCC vice chairman Gao Yangtong died in 1968 after being "cruelly

persecuted" (†10S). Li Qiuyi, former head of Beijing College of Foreign Trade, died in 1968 "a victim of persecution." Li had joined the Communist Party in 1938 (2†9N). The following (all apparently former Kuomintang figures) died from "persecution" during the Cultural Revolution: Chou Ao, Chu Xichun, Huang Young (sic), Zhang Zhen-han, and Kang Xinzhi (31I†1F). Legal philosopher He Sijing died in 1968 as a result of "ruthless persecution." The Beijing University professor had joined the Communist Party in 1932 (3D†4I). Former Guangdong vice governor Lin Qiangyun died in 1970 "as a result of persecution" (BJ13†14D). Hebei government figure Cheng Yulin died in 1979 after "a long illness which resulted from persecution" (18D†8I).

During the Cultural Revolution thousands of cadres and other people were "tortured to death" in Inner Mongolia, according to an article in the Hong Kong magazine *Seventies* (no. 11†21N).

Executions (criminal). Convicted rape gang leader Ziong Ziping was executed in Hangzhou (BJ17N†6D). Guo Yingqi was executed for rape and robbery in Harbin (25†31D). Policemen took the law into their own hands and killed attempted rapist (TJ17S, JR4296). Convicted murderer Zheng Jianxin was sentenced to death in Beijing (18†21I). The following were executed for murder: Yang Daming (SH16†19N), Hu Shiming (SH16†19N), Li Fengzhen (NYT-13S), Chao Chuanzhen (HEB18D†8I). Shen Yeming (XJ30N†4D), Sheng Xinlang (AH6†14D), Tang Zhifeng (HL25†31D), and Lin Fuyou (HL25†31D). Wu Erdong was executed for robbery in Shijiazhuang (HEB18D†8I). Chen Yunhai was executed for mayhem (JFRB-5a, FB7334). Many of these executions were carried out "immediately," apparently with no opportunity for appeal.

05-SK. Executions. Col. Pak Hung Ju was executed on March 6 as one of the six involved in the murder of Park Chung Hee and five presidential bodyguards on October 26. The other cases are still pending. Former president Yun Po Sun had appealed for mercy on Pak's behalf, but other politicians had remained quiet. According to Henry Scott Stokes of the *New York Times* (M7), "Kim Jae Kyu is widely regarded as a man with mixed motives who created an opening toward democracy in Korea."

Torture. Pak Hung Ju (above) alleged that he was tortured by his captors (NYT-31D). There have also been reports of many others being tortured. *Asian Rights Advocate* (D) cites the cases of Ham Suk Hun and Kim Yong Bock. The *Amnesty International Newsletter* (F) cites (with apparent acceptance) reports that some 20 Koreans, who had been arrested for taking part in a peaceful political meeting on November 24, were tortured. The *New York Times* (4D) and *Washington Post* (12D) both carried reports of beatings by authorities. The *NYT* also reported that a Dong-a University student was clubbed to death (23o).

05-JP. Executions. Two Japanese convicted of terrorism were sentenced to death. K-N, JR4719.

05-TW. Formosa staff. There have been repeated reports of men and women associated with *Formosa* magazine being tortured since their arrests in December. Most of these reports are impossible to verify, but two cases have been substantiated. Although we cannot reveal details without endangering our sources of information, we will carry more information on this subject in the next *SPEAHRhead*.

07-C. Equality before the law. The Chinese media and various officials have been emphasizing that "all people are equal before the law." In particular, Tao Zijin's speech on the subject was widely reported (BJ19†21I). Tao is deputy director of the Commission of Legislative Affairs of the National People's Congress Standing Committee.

People's Daily (6†20N) carried an interesting article which argued that even in traditional China officials were not necessarily beyond the reach of the law. "Inasmuch as aristocrats in slave-owning and feudal societies could not escape sanctions after committing certain crimes, in socialist society, where the people

are the masters of the country and there are no privileges conferred by law, we have even more reason to say that no one can be considered to be above the law."

09-C. Eccentric behavior. At least three people who frequented Beijing's bohemian Peace Restaurant have been arrested as "hooligans." Liu Xiaohua and Yang Jianquan are accused of "abetting female hooligans to hang around with some foreigners and profit from this." Ms Wu Jinru was also arrested as a "hooligan." 26D†10I.

09-SK. Martial Law. South Korean authorities have given out very confusing reports concerning the number of people arrested during the first two months of martial law (October 26 – December 25). The largest figure indicated was 25,518 who "have been held (30†31D; see also 1†3D). Prominent Quaker dissident Ham Sok-hon, 72, was held for 17 days (11D†). There were also numerous releases, including Kim Tai-chung, who had been narrowly defeated in the 1971 presidential election and was kidnapped by KCIA in Tokyo in 1973 (TK8†10D). Sixty-eight other dissidents were also released at about the same time (8†10D), and charges against 222 others dropped. It was reported that a total of about 400 had been released on 12 occasions since 1977.

In October, 20 alleged members of an underground anti-government organization called the Preparatory Committee of the South Korean National Liberation Front were arrested. In the group were students and teachers (including one professor). NYT-10o.

09-TW. Yu Teng-fa. The former magistrate of Kaohsiung County, who was arrested in January 1979 (see *SPEAHR*head 1) was released on bail for hospitalization in February. Seventy-seven year old Yu Teng-fa has been suffering from six different diseases. China News 6F.

10-C. Due process. China's new law on criminal procedure has been published (BJ7†30). *Beijing Daily* (HK3†5D) urged that judges be unrelenting in applying the law. Under no

circumstances should they hold back from settling a case for fear of the slight risk of error.

The Beijing Lawyers Association, which last year had only four members, plans to increase membership from 58 to 100. Three to five lawyers will be assigned to rural Beijing where there are now no lawyers. In the early 1950s Beijing had 139 full-time lawyers. After 1957, and especially during the Cultural Revolution, lawyers were condemned for "trying to protect counterrevolutionaries and criminals," and generally transferred to other jobs. 30I†1F, BR-25m.

Harbin's legal office, closed for 21 years, has been reopened, staffed by 12 lawyers. The office had been originally established in 1955, but was disbanded three years later as a "bourgeois invention." BJ17†18I.

11-C. Ex post facto. If an act was not a crime under China's old (pre-1980) law, and no trial has been held, the act is not deemed a crime. If it is a crime under both laws but with different penalties provided, the lighter sentence is to be imposed. PD-22I†14F.

Reversal of Verdicts

12-C. The professional journal *People's Public Security* (no. 7) published an article by Yu Haocheng indicating that there is much confusion and resistance to the mandated reconsideration of past judgments. "Some comrades cast doubt upon the policy, saying that 'class line has been flung to the four winds.' . . . Some people wrongly thought that it was tantamount to making propaganda about the 'theory of class conciliation.'" As for 63 people within the Ministry of Public Security who had once been labelled "rightists," some agents opposed reversing this. "Certain people considered this action a 'deliberate attempt to popularize the experience of "indiscriminately overturning" all past decisions and fundamentally negating the necessity of the nationwide antirightist struggle.' Some people even said that this

Prisoner Profile: Writer Yang Ch'ing-ch'u

Among those detained this winter by the Chinese Nationalists has been a popular novelist from southern Taiwan named Yang Ch'ing-ch'u.

Yang was born in Tainan County in 1940. His ancestors had emigrated from Fukien Province on the Chinese mainland in the seventeenth century. He began to write in 1963, and his published books include *Tsai-shih-nan* (The Virgin Boy), and *Kung-ch'ang-jen* (Factory People). Yang is known in Taiwan literary circles as a young man who has engaged in various kinds of business, as well as having worked in factories. But writing is his real vocation. His stories generally deal with the lives and problems of lower middle class and working people. In an interview given in 1975, Yang explained:

"As to why I take so many lower middle class people as my subjects, it's because I feel

that I must speak for these people, and record their unnoticed lives, thoughts, actions, and emotions. Their outlook on life, on the cosmos, on religion, and their conduct in the world are the results of the conditions of their lives, and are worth more than those of the intellectuals, whose reality comes from books.

"Another aspect of my writing is sympathy for the underdog. Actually, I want my stories to have a subtle effect upon my readers – to change them. I want to make people respect society's unfortunates. Then, in the end, people will have adequate food and clothing, the weak can be strong, unfairness will be replaced by fairness, and tears by happiness."

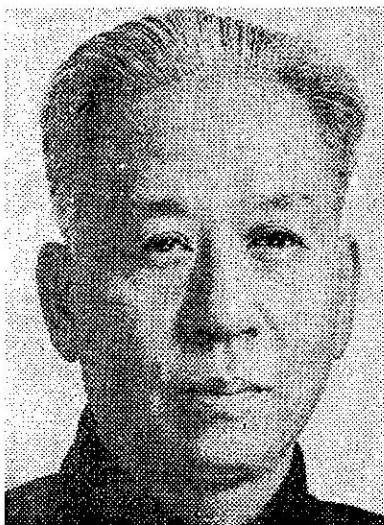
Source: "Interview with Yang Ch'ing-ch'u," *Shu-p'ing-shu-mu* (Book review and bibliography), no. 14 (May 1975), pp. 74 ff.

'has defamed [former public security chief] Luo Ruiqing.' According to these comrades, we should at any rate uphold the verdicts on a few of the rightists even though all of them had been wronged." There is resentment that the media "have painted a horrifying picture of our public security organs," have referred to public security cadres and policemen as henchmen and "headsmen" under the control of the Gang of Four, placed all the responsibility for mistakes onto the public security organs and current cadres and policemen, and 'have been unjust and out of line with the facts.'" All of this, PPS insists, is quite misguided.

PD-1†5S.

Liu Shaoqi. There had been hints for almost a year, but the announcement did not come until February 29. Then, after a week-long meeting of the Chinese Communist Party's Central Committee, it was revealed that the late chairman of the republic, Liu Shaoqi, had not been a "renegade, traitor and scab" after all, nor even a "capitalist roader." Instead, he was "a great Marxist."

Liu, for twenty years the number-two man in the Chinese Communist movement, had a falling out with Mao Zedong in the mid-1960s. He was expelled from the Party in 1968, and died on 12 November 1969 in a Kaifeng prison.



New China

During the Cultural Revolution, Liu's children were subject to much abuse. One was imprisoned at the age of 19. A 17-year-old was obliged to sell his blood to support himself. Even the six-year-old was taunted by Red Guards. Their story has now been told in a *Workers' Daily* article (WP-4M). By 1979 none of the children were being detained, but a Hong Kong magazine (*Zhengming* no. 15) reported that his widow, Wang Guang-mei, was still imprisoned (HK1†91).

Around the country the reversal of verdicts went on. Some examples:

Beijing. The cases of 65,000 cadres in the municipality have been reconsidered. "The number of cases reexamined account for 99.1 percent of the total number of cadres subjected to investigation during the Cultural Revolution [65,566], with the overwhelming majority of cases of false charges and wrong sentences having been redressed." Ninety percent of the middle-level cadres were "victims of framed-up cases and persecution." Beijing authorities have also "corrected the records of 210,000 cadres and removed all trumped-up charges and untrue materials from their files."

6†110.

Shanghai. The "counterrevolutionary" label has been removed from former Kuomintang National Assembly member Jin Huangzian.

21J, FB3881.

Guangdong. By the end of 1979, 2,392 verdicts had been reversed (apparently all involving military personnel). This disposed of 92% of the miscarriages of justice. Still being reviewed were 200 cases.

20†1F.

Liaoning. Provincial vice chairmen Ren Baocheng, Yu Guilan, Zhang Zhiguo, Liu Zhongli and six other people were "attacked and persecuted" by leftists in 1973. They have now been rehabilitated.

14†19S.

Zhejiang. The "landlord" designation has been removed from Jiang Yuanpei (niece of Chiang Kai-shek and wife of a former Kuomintang major), and Xiao Jingyuan (wife of Chiang Kai-shek's former private secretary). The class designations have

been removed from 272 people in Chiang Kai-shek's native town of Qikou. The designation "counterrevolutionary" was removed from agricultural technician Zhou Zhenxi.

25†27F79.

Shaanxi (Shensi). Verdict reversing appears to have gone slowly. "We still have to do a lot of work in order to make a success of this task . . . Over 30,000 cases . . . have not yet been reinvestigated. The victims of several thousand miscarriages of justice have not been rehabilitated, nor has any legal action been taken." In particular need of action were judiciary workers, whose own cases have not been corrected. "In general, the leftover cases are difficult to handle . . . [Often] the people who perpetrated the miscarriages of justice are still in power."

6†14D.

Tibet. Among the individuals whose verdicts have been reversed are Mei Duo, a cadre and former "class enemy." Her verdict was personally reversed by Tibet Party Secretary Ren Rong. Also, Yang Hu, an elderly worker who was killed during the Cultural Revolution, has been posthumously rehabilitated.

BJ25D†111.

12-C. **Libel.** *People's Daily* terms libel a "serious crime" which prevailed during the Cultural Revolution. By a curious twist, the charge is also leveled against participants in the democratic movement. Though ostensibly "exercising democratic rights" they in fact commit libel, the paper maintains.

14†23I.

13-C. **Family separations.** The *Washington Post* (20D) carried an article on the problems of Chinese families being forced to live apart for employment reasons. *People's Daily* has reported that efforts are to be made to unite such couples (14†17S).

Emigration. Under U.S. Law (the Jackson/Vanik amendment), a communist country may not be given most-favored-nation trade treatment if it denies its citizens the right to emigrate. The provision can be waived by the president if he determines that a nation is moving toward that goal. In October Carter signed such a waiver with regard to China. Senator Jackson indicated that he was satisfied. However, the Administration refused to reveal the specifics of any Chinese commitment. According to Deputy Secretary of State Warren Christopher, "We regard those to be confidential diplomatic exchanges" (WP-2N). Under pressure from British and Hong Kong authorities, China has adopted tough regulations to deal with the problem of illegal emigration (GD5†7D). Arrested would-be emigrants have been punished by being sent to "labor education" camps (GD28N†12D).

Indonesia. Jakarta plans to repatriate a million holders of CPR passports by 1984, according to a senior parliamentarian.

WP-19N.

13-U. **Koreans.** Since World War II there have been 16,660 Koreans in Soviet-controlled Sakhalin, Seoul reports. Many are said to seek repatriation.

30††.

14-TW. **Refugees.** The Chinese Nationalists said in November that 11,000 from Indochina had been accepted for settlement in Taiwan, and that another 2,000 would be accepted.

Free China Weekly 18N.

14-JP. **Refugees.** As of last summer the Japanese government had agreed to permit only 500 "boat people" to live in Japan, and only on a year-to-year basis (NYT-15a). There are also numerous Indochinese illegally in Japan; they have been sharply critical of Japan's immigration laws (K-N, JR719).

16-C. **Matrimony.** The *Washington Post* (17, 19D) carried two feature articles on the problems that young Chinese have in matters pertaining to love, sex, and marriage. Greater freedom of marriage was promised in a *People's Daily* article (summarized in BR 30N). A case is cited in which cadres and the families of two young people opposed their getting married. However, the Women's Federation intervened on their side, and they did marry.

17-C. **Private plots.** *Beijing Daily* carried a page-one article on private plots in one production brigade. During the Cultural Revolution the brigade had none, but now not only have they

been restored, but farmers are given adequate water for irrigation, and time to work the land (15†29N). Also, in the famous radical Dazhai area, the "ultra-leftist mistakes" are being corrected. Trees around peasant villagers' houses that were confiscated are to be returned. Grain rations will be distributed "rationally," with 70% given on the basis of work points earned, "thus correcting the egalitarianism by which all rations and other things were distributed solely according to population" (BJ6†11o).

Free enterprise. There were 40,000 private firms in 1957, but the number dwindled to fewer than 14,000 in 1978. Now, private enterprise is being encouraged again.

Christian Science Monitor 12S.

Houses. In parts of Sichuan, steps are being taken "to return to the original owners the houses which military units had occupied and the appliances they had borrowed during the Cultural Revolution under various circumstances." BJ28N†4D.

RELIGION

18-C. Xiao Xianfa was interviewed by Xinhua on the subject of religion. Xiao is Director of the Bureau of Religious Affairs of the State Council. "Religious freedom," he said, "is our Party's consistent policy." But he acknowledged that this policy had been "abolished" during the Cultural Revolution. "The Gang of Four asserted that 'religion no longer exists in China.' Under their ultra-left line, believers' lawful religious life was interfered with, many places of worship were closed or damaged, people who practiced religion were persecuted, and customs in some minority nationality areas were disregarded." BJ20†21S.

In some parts of China the Lin/Four anti-religion line "still has far-reaching influence," according to an article in *People's Daily*. Some people say that religious freedom means that one may uphold religious beliefs but not engage in religious practices. This is incorrect; people must be allowed to read religious classics, hold services, observe festivals, etc. Contrary to the past prevailing view, the propagation of religion is not outlawed. Proselytizing may be done in houses of worship, and atheism may not be propagated in such places. "No attempt should be made to compel people to embrace atheism." (Of course, religion may not be used to undermine the Four Modernizations.) Under a new law (article 165 of the criminal law) a person may be sentenced to a maximum of two years for depriving another of religious freedom. PD-17o, JR4564.

WIRES TO DENG, CHIANG

In October the Society for the Protection of East Asians' Human Rights, and the Chinese Human Rights Society, sent a joint telegram to PRC Vice Premier Deng Xiaoping, and another to ROC President Chiang Ching-kuo. Both wires protested human rights violations.

The wire to Deng concerned Wei Jing-sheng, whose conduct, it was noted, is protected by the United Nations' Universal Declaration of Human Rights. Regarding the judicial proceedings against Wei, we said: "It appears that this was not a truly open trial, and that Mr. Wei was not allowed a meaningful legal defense."

The telegram to Chiang protested the arrests of Hung Chih-liang, Chang Hua-min, Chen Po-wen and Li Ching-rung.

In Qinghai, largely populated by ethnic minorities, it is acknowledged that a majority of such people believe in religion. Although their right to freedom of religion is to be upheld, certain limitations have been laid down in an article (apparently by a Tibetan) in *Qinghai Daily*. Religious believers must "safeguard the achievements of the democratic reform of religion; ... they must not violate state laws, decrees and fundamental discipline; they must not interfere with administrative matters, education and public interests; they must not obstruct collective production and social order; they must not do anything harmful to national unification and the unity among the nationalities; they must not restore religious privileges or the system of oppression and exploitation which was abolished; ... they must not use collective funds or materials to carry out religious activities." 4†16o.

The following appear to be the leading figures of China's various religions (BJ20†21S):

- Wu Yaozong, chairman of the Patriotic Movement Committee of the Protestant Churches of China
- Berhan Shahidi, president of the Islamic Association of China
- Zhao Puchu, acting president of the Buddhist Association of China
- Catholic Bishops Michael Fu Tieshan, Ding Huangxun, and Yang Gaojian
- Banqen Erdini, Tibetan religious leader
- Imam al-Hadji An Shiwei

Christianity. Theologian Joseph J. Spae has just completed a 167-page monograph entitled *Church and China: Towards Reconciliation?* It is available for U.S. \$10 from the author, Dennenlaan 8, B-3031 Oud-Heverlee, Belgium.

A Catholic bishop was consecrated in Beijing (NYT-22D). Although he is not recognized by the Vatican, there have been high-level contacts between the Roman Catholic Church and the Chinese Catholic Church (WP-1M).

Mosloms. The Mongolia publication *Montsame* carried a commentary sharply critical of China's treatment of religious minorities, particularly Mosloms. Abuses during the Cultural Revolution were cited. The Italian weekly *Europeo* is cited to the effect that 700,000 people in Xinjiang are in prisons and concentration camps. Two French journalists quoted as saying that Hua Guofeng was responsible for the repression of Mosloms in Yunnan. 11†16L.

The Xinjiang Institute of Religious Research has announced plans to prepare a history of Islam (international and local).

China Talk a, citing XH20J.

Sixteen Mosloms from seven provinces, etc., flew to Mecca on October 19. It was the first such pilgrimage since 1964.

XH19o, JR4564.

Witchcraft. The *Beijing Daily* has called for a ban on superstitious ideas and activities, such as fortune telling, invoking spirits, etc. But because witches and sorcerers are presumed to be of working-class origin, they are only to be dealt with by means of criticism and reeducation. Criminal sanctions should only be used against the few who spread rumors and defraud people of money (31I†6F). Sentences of up to seven years imprisonment can be passed in such cases (PD-17o, JR4564).

18-SK. Korean Christian Academy. Four members, including two women, have been sentenced to 2-5 years imprisonment. The people are Yi U-chae, Sin In-yong, Han Myong-suk, and Chang Sang-hwan, all convicted of "pro-communist" activities.

Korea Herald 31I†.

The arrests of 200 Korean religious leaders was reported by the *New York Times* (2D).

18-TW. Presbyterians arrested. Among those arrested in the wake of Taiwan's Kaohsiung incident (see editorial, p. 1) have been numerous Protestant theologians, mostly Presbyterians. Among those still detained are: Chao Chen-erh, Chung Ts'ung-ming, Hsieh Hsi-ming, Hsieh Hsiu-hsiung, Huang Chao-hui, Kuo En-hsin, Lin Hung-hsuan, Lin Shu-chuan, Lin Wen-chen, Shih Jui-yun, Ts'ai Yu-ch'uan, Wu Wen, and Hsu T'ien-hsien (Kho

Thian-hian). The latter was arrested without a warrant in his pulpit as he attempted to conduct "illegal" Christmas services in Nalai. Plainclothesmen did not show any identification when they entered the sanctuary.

The Presbyterians have had difficulty getting their newsletter out through the mails.

18-U. Soviet religion. Two feature articles published in the Soviet Union are: M. Mchedlov, "Religion in the Modern World," *Pravda* 16†23N; and N. Kuliyeu, "Freedom of Conscience and Atheist Education," *Turkmenkaya Iskra* 13†27N. The *Washington Post* (5D) and *New York Times* (13I) carried feature articles on the subject of Islam in the USSR.

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19-C. Press veracity. *Tianjin Daily* (19a) reports that there have been some but inadequate improvements in the credibility of the media. There are still "empty exaggerations" or reports which are "insufficiently truthful." In some news reports there are "bald fabrications and groundless accusations." Yet to be eliminated is "that trash which ingeniously squeezes in various false boasts without revealing the writer's true intentions." Such is revealed by tip-off phrases like "came to understand" and "everyone unanimously expressed." JR4433.

The editors of *People's Daily* reportedly have new authority to publish articles without first clearing them with the Propaganda Department of the Communist Party. The publication of poet Bai Hua's November speech to the Writer's Congress (see below under 27-C) was taken as a sign of the paper's increased autonomy and willingness to print materials of a liberal orientation (NYT-22N). The man who was *PD*'s editor for ten years (and ran various Party organs between 1938 and 1965) has been rehabilitated posthumously. Three hundred of Deng Tuo's poems and his once-infamous essays (including "Notes from the Three Family Village") are being republished (BJ14†16I).

Most of Deng's controversial essays were published not in *PD*, but in *Beijing Evening News*, which suspended publication at the outset of the Cultural Revolution. The paper has now reappeared. NYT-16F.

Imported publications. Five Hong Kong journals, including the left-wing *Seventies*, were seized by Cantonese custom agents. "Their importation is forbidden because of their prohibited contents." Reacting to this development, an article in *Seventies* (j) reviews its past coverage of developments in China, and argues the importance of continued independence. *Seventies* "will continue to approach Chinese issues fervently, soberly and in a truth-seeking manner." The hope was expressed that the ban would only be temporary. "We expect a change in the Chinese policy of not tolerating dissent." JR3903.

Unofficial serials. Early in the winter dissident magazines and wall posters were common in some parts of China (e.g., Guangzhou), while greatly restricted in others (e.g., Shanghai). Beijing was fairly average. But in mid-January Deng Xiaoping indicated that he thought the privilege had been "abused," and that restrictions would increase nationally. In February the official media took up the call for the suppression of these publications. *Anhui Daily* called for "powerful and resolute blows" to be dealt to "counterrevolutionaries . . . who hoist the signboard of democracy, freedom and human rights." The paper also expressed concern about "spies who sneak into our country from abroad" (2†4F). *Democracy and Law* carried an article criticizing the phenomenon of unofficial posters. "We must not allow this practice to exist forever as though it were right and proper" (BJ6†8F).

Academic freedom. There have been high-level calls for increased freedom for scholars. *Red Flag* (no. 2) carried an article in which Vice Premier Fang Yi called "independent thinking and free debate" essential to an individual's professional growth. "For a long time a free atmosphere did not prevail, and we carried out improper academic criticism and stuck political and philosophical

labels on academic theories. As a result, normal academic discussion was stifled and the growth of talented people hampered." 16†21I.

An even more interesting article on the subject appeared in *GM* (6†12o). The piece noted with approval that in Yugoslavia it is possible for scholars to publish articles which are at variance with the official line. Furthermore, the fact that the author is, say, a member of the party central committee did not in itself make his writings official or even semi-official. This has not been the situation in China, where leaders "are apt to confuse their own opinions with 'instructions' from the Party organization," while many scholars "are in the habit of considering opinions on academic matters aired by scholars who also hold leading positions as 'official' views that must not be contradicted. Due to such tendencies, as time wears on the thinking of these leaders and academic authorities easily becomes ossified." (Other statements on the subject of academic freedom appear in *GM*-15S JR4396, XH-BJ5†9o, and *PD*-26S†.)

Free correspondence. Postal worker Li Shunmin was arrested for opening people's letters, "thus infringing upon citizens' freedom of communication" (HB29o†1N). *Beijing Daily* (23a) acknowledged that there are still "many cases" of mail being opened and withheld, which "exerts an evil influence on society." Only public security personnel at the county level or above should be able to interrupt mail (JR4552).

Leftists imprisoned. Five Jiangsu "counterrevolutionaries" have been sentenced to up to 18 years. Shanghai's Hua Linsen is described as a Lin/Four follower who "concocted a host of frameups and passed unjust and wrong verdicts to cruelly persecute large numbers of cadres and people. . . . He gave Party memberships and quick promotions to cadres in order to expand his factionalist setups and usurp Party power for his faction." Zhou Jieqi and Hua Linsen are charged with "stirring up factionalism and dissension and instigating violence during the initial years of the Cultural Revolution" (18†21I). Zeng Panguan is charged with "launching frantic counterattacks and

KMT Imprisons SPEAHR Leader

One of those arrested in the wake of Taiwan's Kaohsiung Incident last December was Ch'en Chu, a member of SPEAHR/International's Board of Directors.

Ch'en had been active in various political and human rights movements in Taiwan for many years, as well as a top aide to the now-exiled Taiwanese elder statesman Kuo Yu-hsin. She was a prime mover behind various publications, including an important critique of Taiwan's electoral procedures by Lin Cheng-chieh and Chang Fu-chung. (The book was confiscated in the final stage of production, but copies were smuggled abroad for republication.)

Most recently, Ch'en was active in the publication of *Formosa* magazine. *Formosa* became the rallying point for a broad coalition of non-Kuomintang political leaders such as Ch'en Chu, almost all of whom were arrested in December. (See editorial, page I.)

Ch'en Chu has been an important advocate for the improvement of human rights in all parts of East Asia, and has made major contributions to SPEAHR's work. Her fellow directors hope that she will be able to resume her active role in the near future.



convening secret meetings" even after the downfall of Lin/Four. In addition to his various political "crimes," Zhou Jilu was convicted of rape (19†21I).

19-JP. Miyana Yukihisa. The former major general and two others have been arrested on spy charges. K18I†, 22I†, 29I†.

19-SK. Amnesty. Former President Yun Po Sun, 83, was sentenced to two years' imprisonment for his role in the Seoul YWCA rally on November 24. Sentenced to one year was Quaker leader Ham Sok Hon. Neither had been present at the gathering, but they were charged with helping to plan it. Fifteen others were convicted in connection with the incident, including Democratic Youth League Chairman Yi U Hoe, who drew a four-year term.

25I†, 29I†, *Chungang Ilbo* 7†8I, TK16I†.

On February 29, Yun, Ham and 687 others were amnestied. More than half were students, while others were politicians, journalists and religious leaders. Some additional political prisoners had been released earlier. However, a number of people convicted of violating the anti-communist law remained in prison, including poet Kim Chi Hah (on whom see *Sh* 3 p. 5). WP-3M.

Student obligations. The practice of requiring students to participate in pro-government demonstrations has apparently been discontinued. The step was lauded editorially by the *Korea Times* (2†6F): "What characterized education in the past was an authoritarian attitude, one which trampled on the independence of academic institutions."

Censorship. The South Korean Journalists Association met on January 26 and unanimously passed a resolution calling for an end to censorship of the press. TK28†29I.

19-TW. New dissident magazine. During 1979 all of Taiwan's dissident magazines were banned by the government. Among these was K'ang Ning-hsiang's *Eighties*, which the government decided had "slandered national morale" (see cartoon). But already K'ang is publishing another magazine. Although obvious care is being taken to avoid offending the authorities, the new *Asian* (*Ya-chou jen*) bears a striking resemblance to its predecessor. The calligraphy and cover design are identical. The full title is *Asians in the Eighties*, with the logo *Eighties* appearing at the top, lest any reader otherwise miss the connection. The monthly costs U.S. subscribers \$19 per year, and

can be ordered by writing Hsin-Sheng South Road, Section 3, no. 2, Taipei.

Two banned magazines are unlikely to reappear in any form: *Formosa* (see editorial, p. 1), and *Spring Wind* (which is said to have "distorted facts and smeared the image of the government"). 20†21D.

Foreign mail. Beginning December 19 the Taiwan postal service began accepting mail for communist countries (excluding the People's Republic of China). 19D†16I.

20-C. Foreigners. The *New York Times* (8M) carried an article by Fox Butterfield on the various ways that foreigners are given "special treatment," sometimes to their advantage, sometimes to their disadvantage, but generally in ways that make association with Chinese awkward if not impossible. Chinese are not normally permitted into the Peking Hotel (even Beijing's deputy mayor had difficulty gaining entry). Unauthorized meetings between Chinese and foreigners are often disrupted.

Democratic parties. China's eight non-communist parties (which had been largely defunct since 1957) held national congresses in October, with 2,533 delegates attending (BJ 11-12†15o, 15†16o, 22-23†23o, 22-24†25o, BR-2N). The parties have been admitting new members, including some prominent figures in the pre-1949 regime (TJ18I†).

20-SK. Controls. In spite of the new liberalization, Justice Minister Paek Sang Ki has announced that there is to be renewed emphasis on "social discipline," and that unauthorized gatherings and demonstrations are to be prevented. 6F†

21-C. Our next issue will carry a discussion of current election procedures in China.

21-SK. New Democratic Party. The government expelled opposition leader Kim Young Sam from the parliament (NYT-5o). The courts also stripped him of his position as leader of the NDP (NYT-9S).

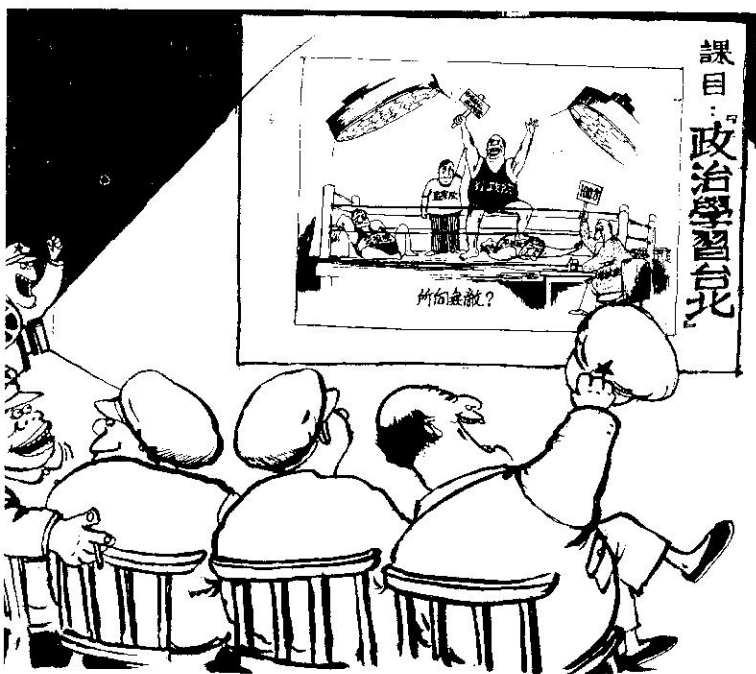
Elections procedures. A constitutional study team was reported considering the following measures to prevent "overheated" election campaigns: no direct contact between candidates and individual voters, no short-term promises or fostering of provincialism, and elections to be run by politically independent people. *Tong-a Ilbo* 11†12F.

21-TW. Representation. Taiwan's "partial general elections," which were cancelled in 1978 after U.S. derecognition, will be held "at an appropriate time," the government has announced. These are only for Taiwan's seats in such "all-China" bodies as the National Assembly and Legislative Yuan. Taiwan's seats in the Legislative Yuan are to be increased by about 40%, but they would still be a small minority. A smaller increase will occur in the National Assembly. *China News* 2I.

Disenfranchisement. Large numbers of Taiwanese have been effectively disenfranchised by means of the imprisonment or impeachment of their elected representatives. Among officials recently imprisoned are Huang Hsin-chieh of the Legislative Yuan, and Provincial Assemblymen Chang Chun-hung and Lin Yi-hsiung (see editorial). Among those suspended from office: Taoyuan Country Magistrate Hsu Hsin-liang and Chi-shan Chen Magistrate Wu Chi-cheng. A third government device for disenfranchising citizens is declaring the offices of their leaders no longer elective (e.g. mayors of Taipei and Kaohsiung).

All of the above incidents are well known except for the Wu Chi-cheng case, on which see *Letter on Taiwan*, no. 2, October 1979, available from the Taiwanese-American Society, P.O. Box 28357, Washington DC 20005.)

Election law. Although most national offices are non-elective, the Executive Yuan has approved a new bill for "the election of public office holders," in keeping with the government promise that "the Republic of China should continue to march [sic!] in a democratic and constitutional way." The regulations apparently grew out of the National Development Seminar held last November, in which the government was urged to adopt measures



"Learn from Taiwan." This cartoon, showing the Chinese Communists studying how the Kuomintang represses dissent, was cited by ROC authorities as the main reason for closing down the magazine *Eighties*.

to accommodate party politics, and draw clear lines between party and government administration, and for major supplementary elections at the central level. Interior Minister Chiu Chuan-huan has promised new voting machines to guarantee fairness. *Free China Weekly* 20I.

23-C. Unemployment. Although it was long denied that China had an unemployment problem, the subject has been discussed more frankly in recent months. See, for example, "Several Points on Employment in Cities and Towns," *Beijing Daily* 18j, and a response to that article: Liu Zhizhen, "The 'Iron Rice Bowl' Must Not Be Broken," *Beijing Daily*, 18S†4o. The foreign media have also examined the problem (*NYT* 30S and 8o; K15†16o).

Unions. Chongqing labor leaders who failed to adhere to the Party line in the 1950s and were thus punished have now been exonerated. According to the national labor newspaper *Workers' Daily*: "Certain comrades suggested that under the Party's leadership the trade union should carry out activities independently and with a sense of responsibility and organize such activities as the Trade Union Activists Month to exchange experiences in trade union work. . . . Other comrades suggested that the workers should be given more democratic rights, the system of workers congresses should be consolidated and the supervisory role of the masses should be put into full play. But these suggestions were described as competing with the masses for power. . . . A total of 76 cadres were accused of committing the mistake of syndicalism against the Party. They were criticized and subjected to all kinds of punishment, both inside and outside the Party." The union has now asked that these people's "political honor be restored." 14†16o.

25. Incomes. In a recent interview, Vice Premier Deng Xiaoping said that China's per capita annual income was "only something more than \$200." The goal is \$1,000 by the year 2000. This would be equal to Taiwan's present per capita income, and half of Hong Kong's present per capita income. *WP*-11M.

25-C. Food. China claims a record grain crop of 315 million metric tons for 1979, up 10 million from 1978 (*NYT*-31D). However, there continued to be reports of food shortages, particularly in such remote areas as Gansu (*Los Angeles Times* 21o). A study undertaken by Joyce Leung of the Institute of Human Nutrition at Columbia University's College of Physicians and Surgeons found that Chinese children may not be receiving adequate protein (*NYT*-28S).

Health. China has undertaken an ambitious plan to eliminate the often fatal snail fever by 1985 (*NYT*-17S). Efforts are being made to improve health care in the Lhasa area, and traditional Tibetan therapies are being studied (*NYT*-4N). Nationally, plans were laid to undertake a campaign against smoking (*NYT*-5a).

Shelter. There has been some forthright discussion of China's housing problems. *Beijing Review* (30N) carried an 11-page special feature on the subject, which noted the progress which has been made since 1949, but cited "overcrowded living quarters in the cities" and also the "arduous task" of rebuilding rural housing that lay ahead.

Rural housing was also the subject of a frank commentary in *People's Daily* (7†21I). "Peasants' living conditions in most localities still leave much to be desired." Local officials sometimes "regard peasants' housing problems as a minor issue and thus ignore them. Some localities fear that peasants' efforts in building homes will affect production; thus, they pay no attention to housing construction and refuse to exercise active leadership over this work. They even prevent peasants from building homes. No one is charged with rural housing construction and no department exists for this purpose. . . . This has brought about a situation where peasants are illegally occupying land." This situation should be corrected, *PD* insisted, citing Shandong's Jiaonan County as having set a good example for other areas to follow.

25-NK. South Korea's National Unification Board has released a report stating that the average North Korean house measures 33 square meters, i.e., one room and a kitchen.

27-C. Science. Scientists who were convicted in connection with the 1962 Guangzhou (Canton) Conference, the 1961 Fourteen Point Opinion case, etc., are now said to have been "unjustly, falsely and wrongly charged or sentenced." These and other scientists and technicians "who were persecuted because of their involvement in these cases" are now exonerated. Science is said to have been very vigorous under the influence of the Fourteen Points and the Guangzhou Conference, but Lin/Four "negated the great achievements. . . , vilified the Fourteen Points as a 'sinister program for capitalist restoration,' and the Guangzhou Conference as a 'sinister meeting aiming to attack the Party.'" An effort was made to resist this trend in the early 1970s, but Lin/Four again "persecuted many cadres, scientists and technicians whose work had just been restored, ruining once more some of the scientific research institutes that were just reviving."

BJ9†11o.

Tibetan studies. Former "living buddha" Dagwa has been made an associate professor at China's Central Institute for Nationalities. Tongga Losang Chilai, 52, is credited for his achievements in the field of Tibetan culture, on which subject he is the author of a dozen books. During the Cultural Revolution, Tongga was deprived of his collection of 30,000 volumes of Tibetan classics and other materials, which were thrown into a river.

BJ14†15I.

The arts will be discussed in our summer issue.

29-C. Duties. A Heilongjiang factory manager has been officially reprimanded for failing to come to the aid of a rape victim. "Those who do nothing to save people in danger," said New China News Agency, "should be dealt with seriously." BJ4†6F.

FREE EXPRESSION SUPPORTED IN CLANDESTINE BROADCAST

"Putting up wallposters and frank airing of views are basic matters of principle for developing democracy and emancipating the people's minds."

Who said that? You had better be sitting down before we tell you.

These sentiments have been set forth by a Mandarin-language radio station in none other than the Soviet Union. "Ba Yi Radio" has been critical of Deng Xiaoping for having "high-handedly deprived the people of their rights, and sealing their mouths." It insists that freedom of expression is necessary before there can be economic modernization. "The people should not be punished even if they air incorrect views, because they do it out of sincerity, and are patriotic and virtuous." Concern is even expressed that if people are unable to speak the truth, "the Gang of Four may take advantage of the situation and stage a comeback, once again shrouding China with dark clouds" (10†14D). Ba Yi Radio has also been sharply critical of the conviction of Wei Jingsheng (9†13N).

We do not find ourselves in agreement with the Soviet media very often. We trust that the Kremlin will begin applying to its own people the same human rights standards that it expects of Beijing!

U.S. State Department Human Rights Reports

In the previous issue of SPEAHRhead we reprinted the 1979 U.S. State Department reports on human rights practices in Japan, South Korea and Taiwan. In this issue we reprint the 1980 reports on the other three countries of East Asia. These accounts concern developments during the year 1979.

PEOPLE'S REPUBLIC OF CHINA

In traditional China, the law and legal institutions served as instruments for enhancing the power of the state and for disciplining the people to carry out its policies. With government acquiescence, the leaders of clans, villages and guilds dispensed a wide range of sanctions that included public censure, fines, ostracism, and corporal punishment. The formal machinery of the law confirmed and supplemented these unofficial processes administered by local leaders. The Chinese idea of "fazhi" often translated into English as the "rule of law" is more accurately rendered as "rule by law." The object was the management by the state of orderly, efficient and highly repressive procedures to ensure prompt, harsh and highly visible punishment of those whose offenses could not be managed by unofficial mechanisms. The notion that individuals might have rights against their social group, society or the state was an utterly alien concept.

The century preceding 1949 was marked by inept and corrupt government, foreign invasion and occupation, rebellion, civil war, warlordism, banditry, and revolution. The restoration of public order and development of China's capacity to meet the basic economic needs of its vast population were widely welcomed by the Chinese as the primary tasks of the government. After 1949, the newly established People's Republic of China (PRC) attempted to pursue these goals through development of a socialist society in which collective state aims took precedence over individual rights. These factors, combined with periodic political instability at top levels in the PRC government have all contributed to a poor record on individual human rights in China over most of the past thirty years.

In 1954, China's leadership adopted the first PRC constitution and for several years began to develop a legal system and encourage freer expression of opinion. The outspoken criticism of the political system by intellectuals in 1956[-1957], however, brought about a period of repression. This lifted briefly in the early 1960's when once again the leadership began drafting legal codes and allowing greater freedom in a number of fields. For nearly a decade to follow, however, severe ideological restrictions were placed on all fields of work and arbitrary rule prevailed. For several years from 1968, in fact, China was governed in a repressive manner.

There has been movement in the direction of greater freedoms in the past three years since the death of Mao Zedong and the purge of the so-called "Gang of Four" and their followers. The Chinese government appears to be making a serious effort to improve the rights of citizens by instituting a working legal system, expanding access to information, al-

lowing some political dissent, adopting a more tolerant approach to national minorities and religious groups, liberalizing emigration policies and involving a larger number of citizens in local elections. Thousands of scholars, officials, and religious figures purged during the numerous political campaigns of the past two decades have been rehabilitated. Many have been restored to positions of authority. China is a less oppressive place in which to live than it was three years ago. The press is a livelier forum for political debate, differences of opinion are publicly aired, contacts and friendships with foreigners are possible (but still limited), and thousands of Chinese students are going overseas.

The reforms have not yet broken entrenched patterns of harassment, arbitrary arrests and harsh punishment without free trial for political dissent. The Chinese government still maintains, particularly in remote areas of China, a large prison system and numerous labor camps. An extensive police system continues to monitor the political activities of China's citizens.

In China, a developing country of one billion people, scarce resources have created significant frustrations that have boiled to the surface as visible discontent. In the past year, with the general loosening of political controls, thousands of poor peasants, frustrated youth, unemployed workers and soldiers have demonstrated in China's cities and petitioned the government and party authorities for redress of grievances. Others have registered more general complaints against the political system and advocated more fundamental political and legal reforms. Chinese officials have frequently treated protest as a problem in itself, but on occasion sought to make use of it, and most recently China's leaders have begun to deal with the individual problems which the petitioners have raised.

Despite signs of improvement, the Chinese media and officials still condemn "human rights" as a "bourgeois slogan" without any relevance for China today. Ren Wandong, Chairman of the China Human Rights Alliance, was arrested April 4, 1979 while attempting to put up a wall poster criticizing PRC leaders' disregard for human rights guarantees. Putting up wall posters is a right guaranteed by the Chinese Constitution of 1978, but in February and March 1979 a proclamation was issued forbidding posters critical of "socialism" and restricting posters to less central, often inconvenient, areas of the cities.

In early December, Beijing's "Democracy Wall" was relocated away from a busy street to a small, more remote location; persons wishing to put up wall posters are now required to register their names and addresses so they can be held responsible for the "political and legal implications" of their

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posters.

In winter 1978-79, hundreds of youths in China's major cities spoke out against inequities in the political system. Some openly published unofficial journals, others spoke at rallies. Scores of them were arrested last spring and some in November; they are still being held in prison without trial. Many of these cases have been widely discussed among informed Chinese.

In October, 1979, two prominent dissidents, Wei Jing-shing and Fu Yuehua, were brought to trial separately on a variety of charges. Wei was found guilty of providing state secrets to a foreign journalist and was sentenced to 15 years in prison. He appealed the verdict, but it was upheld. Fu's trial, still open to appeal as of early January, resulted in a two year sentence for organizing a protest march and disrupting traffic. Both trials were "open," but admission was selective; no foreigners, including the press, were allowed.

The trials have been the subject of continued and spirited discussion among the Beijing populace, including thinly veiled debate in the public media. The basic issues are the extent to which open questioning of the prevailing system will be tolerated and uniform standards of law will be applied. The fact that this debate is taking place at all suggests that China has been moving toward a freer society with some increased respect for individual rights, albeit within a political system that emphasizes conformity and unity. Sustained respect for law and human rights will not come easily, however. Periodic waves of repression within the parameters allowed by the Constitution and new legal system are quite possible.

China's leaders seem determined to develop a legal system that would prevent the unchecked exercise of official authority. China has not had even a rudimentary working legal sys-

"What the Chinese define as a 'trial' is the equivalent of a sentencing hearing in the U.S."

tem for more than ten years, during which time the average citizen had no real recourse or protection from arbitrary arrest due to an off-hand comment, class background, or having sided with the wrong faction in the work unit. Amnesty International has documented some cases reflecting these factors in its 1978 report on China.

China's Constitution was most recently revised in February 1978. It includes articles guaranteeing citizens' rights pertaining to work and leisure; voting and standing for election; belief and non-belief in religion and propagating atheism; old age, illness, and disability care; education; participation in scientific and cultural activities; freedom of person and home from unlawful arrest or search as well as speech, correspondence, press, assembly, association, procession, demonstration, labor strikes, and writing big-character posters. However, these rights are circumscribed by constitutional duties of citizens to uphold the leadership of the Communist Party and the socialist system, to promote national unity, to observe labor discipline and public order, to protect public property, and to respect social ethics and safeguard state secrets.

In June, 1979, China's National People's Congress (Fifth Congress, Second Plenum) adopted the "Law of Criminal Procedure," "Criminal Law," "Organic Law of the People's Courts," "Organic Law of the People's Procuratorates," "Organic Law for Local People's Congresses and Local

People's Governments," and "Electoral Law for the National People's Congress and Local People's Congresses at all Levels." These became effective on January 1, 1980.

The media have conducted an extensive education campaign on the new procedures and have admitted that there has been resistance to the new laws in some areas, particularly from the public security organizations. In December 1979, the standing committee of the National People's Congress voted to retain older legal regulations of the past thirty years where they do not contradict the new laws. This decision is likely to result in much confusion since many old regulations were not well publicized and were contradictory as well. Only the old labor reform law has been officially revised to remove some of its more repressive elements.

In the international area, China has shown a new willingness to discuss human rights. Chinese U.N. Third Committee representatives have called for greater attention to flagrant violations of human rights, while aligning China with Third World views which stress social, economic and cultural over political rights. They have at the same time asserted, however, that each country's own legal provisions affecting the rights of citizens are bound to differ and are internal matters and that, moreover, individual freedom must not be detrimental to the national public interest.

1. Respect for the Integrity of the Person, Including Freedom from:

Torture

The Department of State has no accurate information to indicate whether or not PRC authorities are still using torture. Torture is illegal under the new criminal law which went into effect January 1, 1980. Considerable psychological coercion, such as sustained group interrogation, is still used, however, toward dissidents and non-conformists.

Cruel, Inhuman or Degrading Treatment or Punishment

Cases of cruel punishment continue to be documented. Wall posters, court notices and refugee interviews indicate that lengthy or open-ended prison sentences for political and economic crimes often involve years of solitary confinement with little or no communication with family allowed. Executions for serious political crimes appear to have ended. The media have condemned the execution of a youth who spoke out against Mao and the "Gang of Four" in the early 1970's as an example of the transgression of political authority. Although summary executions have taken place, particularly during the Cultural Revolution, there have been no reports of them in the past two years. Recent media reports of capital punishment for serious crimes on the order of intermediate level courts have not clarified whether the Supreme People's Court gave approval or whether the defendants were allowed to appeal to a higher court—both of which are required by law.

Arbitrary arrest and imprisonment

Article 47 of the state Constitution states that no person can be arrested except by a decision of people's procuratorate. On February 23, 1979, the Standing Committee of the National People's Congress adopted a 15-point regulation which detailed the proper procedures for arrests and detention of citizens, including provision for arrest warrants, notification of charges and time limits for filing formal charges. A form of *habeas corpus* was written into the 15-point arrest detention regulation, but it is too early to tell how

successful this will be in changing past practice of detaining citizens for months and years without trial or even formal charge.

There are political prisoners in the People's Republic of China, but an accurate estimate of the total number is impossible. Thousands of intellectuals, officials, and religious figures imprisoned on political grounds in the past thirty years have been released and often publicly exonerated, even posthumously, in recent years. Yet the practice of political imprisonment continues. Refugee interviews and dissident sources also report that thousands of citizens have been arrested in the past few years for expressing errant political views. The "Gang of Four" and many of its alleged followers have been detained for three years without trial.

The government acknowledges holding political prisoners, describing these individuals as "counterrevolutionaries,

vocates for mercy and did not contest the guilt of the accused. China has virtually no trained lawyers, a deficiency that the government has begun to remedy through the reopening of law schools and the examination of Western systems. There have been reports of special courts and hearings for political offenses, particularly if the person charged is a Party member. Last spring, several Chinese officials admitted to Western journalists that the new criminal code does not affect "party discipline," under which party members can be subjected to observation, detention and reform through labor. Civilians are apparently not tried by military courts.

Invasion of the Home

Article 47 of the state Constitution states that "the citizens' freedom of person and their homes are inviolable." In practice, however, this provision has seemed to offer little or no protection. Last spring during the roundup of dissidents, Chinese Public Security officials searched the homes of youths without notice or warrant and confiscated incriminating evidence.

2. Governmental Policy Relating to the Fulfillment of Such Vital Needs as Food, Shelter, Health Care, and Education

The PRC has the largest population of any country in the world and faces massive problems in feeding, clothing and employing its population. Its success in meeting minimal requirements in these areas has been impressive considering the limited resources available. While there is a disparity between urban and rural living standards, the government is making efforts to reduce the inequality, if possible. There is almost no evidence of starvation or malnutrition though there are occasional reports of severe food shortages in rural areas. Living quarters are often cramped and inadequate—a problem that the government is attempting to solve. Health care is available to all, either gratis or for very little, and the educational system provides for a universal six to nine year curriculum. Education in remote areas, and at higher levels, however, is still a problem.

Article 7 of the Constitution gives commune members the right to farm small private plots, engage in limited sideline production, and keep a limited number of livestock for personal need, as long as the "absolute predominance of the collective economy of the people's commune is ensured. . ." Article 9 protects the rights of citizens to own lawfully earned income, savings, and other means of livelihood. Chinese are entitled to own their own houses and other personal property and have the right of inheritance.

There are significant differences in income and access to material goods. A government official, a senior university professor, or a skilled engineer might earn ten times the monthly salary of a young factory worker. But wealth is distributed fairly evenly. Top government and party officials enjoy a relatively high standard of living, but the lifestyle of the privileged few would look quite threadbare in most countries. Government officials now acknowledge a significant unemployment and underemployment problem involving perhaps up to 20 percent of the population and particularly serious among urban youth.

Increasingly strict population control measures involve government-sponsored peer pressure and economic disincentives such as cuts in wages or rations for more than two children. There have also been reports of forced sterilizations and forced abortions even in the later months of pregnancy, although it is not clear whether these are sanctioned by the government.



Will the radicals return to power?

Hats indicate the labels which once were placed on dissidents: "Poisonous weed," "verdict reversed," "reactionary."

Cartoon by Pan Hai. From *China Youth* 25a, JR4430

ruffians, scum and lawbreakers." Prisons are generally not open for inspection by foreigners and the International Committee of the Red Cross does not have access to detainees.

Denial of Fair Public Trial

Under the new Criminal Code, public trial will be guaranteed, except for cases involving "State secrets," "personal secrets" and juveniles. The fact that even the "public" trials recently instituted by the authorities remain closed to foreign observers makes it difficult to evaluate the extent to which sentences are supported by evidence. Generally, criminal trials have not been public in China but several have been shown on nation-wide television as part of the campaign to educate the nation on the new laws. Based on the few trials shown on television, what the Chinese define as a "trial" is the equivalent of a sentencing hearing in the U.S.

Defendants are entitled to counsel according to both the Constitution and the newly enacted laws. However, no specific provision grants the right to counsel in the crucial pre-trial investigation process where the decision of guilt or innocence is usually made. Chinese officials have, however, indicated that defendants can confer in private with counsel. In the few cases shown on television, the counsels acted as ad-

3. Respect for Civil and Political Liberties, including:

Freedom of speech, press, religion and assembly

These are guaranteed under the state Constitution but generally have not been respected in practice. Political debate normally has been rigidly controlled but with periodic loosening. In late 1978, wall poster writers and youths in many of China's cities openly debated sensitive political questions such as China's human rights record, the nature of the Chinese political system, and the proper historical role of the late Chairman Mao Zedong. Many of these youths formed quasi-political dissident groups such as the "China Human Rights Alliance," the "April Fifth Society," the "Exploration Group," and the "Enlightenment Society." Chinese authorities tolerated this for several months but reacted strongly in March 1979, arresting dissident leaders and stopping publication of all but the most innocuous journals. In August and September, however, the pendulum again seemed to shift in the direction of less control until December when new regulations restricted the airing of grievances in wall posters.

The Constitution (Article 46) reflects an opposition to religious proselytizing. It says, "citizens enjoy freedom to believe in religion and freedom not to believe in religion and to propagate atheism." Chinese Communist ideology treats religion as a corrupting influence and in general the authorities have made the practice of religion very difficult. Nevertheless China is now turning to a more tolerant religious policy. The Chinese have resurrected the officially sanctioned religious organizations, including Buddhist, Islamic, Protestant, and the "Chinese Patriotic Catholic Church" (independent of the Vatican). Chinese branches of the YMCA and the YWCA have also been reestablished. The Chinese have recently published a new Protestant hymnal and stated that new translations of the Bible and the Koran will be published in 1980.

Minority peoples, primarily Muslim or Tibetan Buddhists, have enjoyed greater religious freedom than Chinese in the past but religious services are still carefully controlled and monitored in minorities areas. Christianity is still suspect for its association in China's historical experience with Western imperialism and true religious freedom is still far from reality.

In past periods of liberalization and again recently, China has responded to the special interests of the national minority peoples in such border areas as Xinjiang, Yunnan and Xizang (Tibet) by allowing some degree of local autonomy, official recognition of their languages and rapid promotion of their cadres (government and party workers). "People's governments" in these areas have a sizeable representation of minority peoples. At the same time, the central Chinese government maintains rigid military control and fosters significant migration by Han (Chinese) to these areas. Western journalists have observed and documented the domination of Tibetan culture and society by the Han.

Foreign publications are now widely available for sale only to foreigners and for foreign currency. They are stocked in Chinese libraries, but access is restricted.

Freedom of Movement within the Country, Foreign Travel and Emigration

Chinese citizens need permission to travel any distance within the country or to change residence. They must obtain "letters of introduction" from their unit of employment to purchase tickets and secure accommodations. They also need ration coupons for staple foods (distributed on a municipal or county or residence basis). There are numerous examples of families being split by job assignments. The government now

appears to be ameliorating some hardship cases. Nevertheless, large numbers of Chinese do manage to travel or move without these documents.

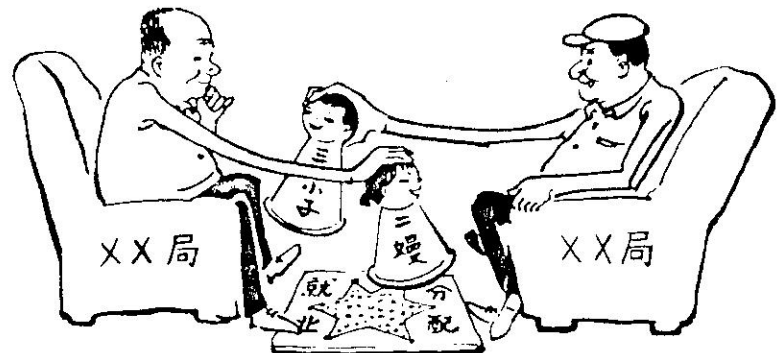
A program to send large numbers of middle school graduates to rural communes or state farms has been in force since the early 1960's. An estimated 18 million youths have left cities for permanent life in the countryside, most of them involuntarily. Many of them have returned to the cities illegally, especially during the past two years when the government has been more lenient. Young graduates are still being sent out but in smaller numbers of shorter terms and with some element of choice involved. Meanwhile, the cities are making great efforts to organize service and commercial enterprises to employ both returnees and new graduates, and to provide educational opportunities for graduates.

Emigration controls have greatly loosened during the past two years. This is evident in the growing numbers of persons who have legally entered Hong Kong from the PRC: 26,000 in 1977; 67,500 in 1978; and 61,000 during the first ten months of 1979. Permission to leave China is now being given to students (whether government or privately sponsored), persons wishing to visit or permanently join relatives living abroad, persons who need to go abroad to settle estates or work in family businesses, overseas Chinese (ethnic Chinese who are nationals of other countries), and officials. There are some indications that PRC students cannot be accompanied overseas by family members, to ensure that they will return to China.

Prior to 1978, processing of exit permit and passport applications routinely took four to six years. Since early 1978, processing time has been substantially reduced, but still varies from place to place.

Freedom to Participate in the Political Process

The PRC formally has a multi-party system. In reality, however, the Chinese Communist Party controls all facets of political, economic and social life. There is no freedom to participate in the choice of senior leaders or policies through democratic processes, and local elections have not been contested. New laws adopted by the National People's Congress call for free elections of local governmental leaders and Chinese official statements maintain that these elections will be held by secret ballots with a choice of multiple candidates.



下跳棋

刘祥成

Chess game. Bureau heads shown giving jobs to each other's relatives.

Cartoon by Liu Xiangcheng. From *People's Daily* 20a, JR4430

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Having returned to China after 23 years of self-imposed exile in the West, Fou Tsong, the world famous concert pianist, gives his impressions on cultural development in China today.

INTERVIEW BY: Lek Hor Tan.

POEMS OF THE DEMOCRACY MOVEMENT

Six poems by Qu Tian, Ling Bing, Bei Dao, Shu Ting and Yong Yu some of whom have been unable to publish in China for the past 17 years.

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INDEX ON CENSORSHIP

There have not been enough elections to determine the degree of involvement by average citizens, especially in choosing candidates. Thus far, the few elections held have had multiple candidates, and a few non-Party contestants have won seats. The Chinese elite—the more than 38 million Chinese Communist Party members—participate in the selection of representatives to higher party organs. There is no direct election of senior party officials.

Under the Constitution, women participate equally in the political process and an increasing number of women are playing important roles in the party and the government. Nevertheless, China has traditionally been a male-dominated society and the political process, especially at higher levels, is still largely a male preserve. In economic life, equal wages for urban jobs have reduced economic discrimination against women, and women in post-'49 China have played a much greater economic role.

The trade union structure is controlled by the Chinese Communist Party and is used primarily as a means of channeling Party policy downward. The All-China Federation of

Labor was reestablished in late 1978. The Federation has announced that workers will have a greater say in management, participate in the selection of factory leaders and will be allowed to elect shift leaders. Even though the right to strike is guaranteed under the 1975 Constitution, the few strikes of which we are aware were quickly suppressed. The major role of labor unions is to improve productivity and welfare, not to act as bargaining agents. Wages are set by the state.

4. Government Attitude and Record Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights:

There is no dialogue between the PRC and official and non-official international human rights organizations. Chinese government leaders and officials have refused to respond to repeated requests by Amnesty International for meetings and explanations regarding alleged human rights violations. Chinese officials regard such requests as interference in the internal affairs of China.

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

The North Korean government, or "Democratic People's Republic of Korea" (DPRK), was formed in 1948 during the Soviet administration of the northern half of the Korean peninsula. The North Korean people are subjected to rigid control measures similar to those in effect during the Stalin era in the USSR. Persons who fail to cooperate with the regime face imprisonment, confiscation of property, or enforced removal to remote villages. Observation by informers is so prevalent that the average citizen is distrustful of even his closest associates. Any movement from one area to another requires documentary permission. Punishment for "political crimes," a recognized category of offenses, is severe.

The Democratic People's Republic of Korea is a closed, authoritarian collectivist state. Although some internationally respected human rights are acknowledged by the DPRK constitution and laws, individual rights are subordinated in practice to the overriding aim of imposing a social revolution and marshalling a show of unanimous popular support for the country's governing system and its leaders.

The government is completely controlled by the Korean Workers' Party (Communist Party), which is in turn under the essential domination and control of one man, Kim Il-song, and his family. The latest constitution, promulgated in 1972, purports to guarantee a wide range of rights, including political processes; freedom of the press, religion, work, and association; and freedom from sex discrimination. Other articles of that constitution eliminate or render meaningless the guarantee of those rights.

The state's invasion of the individual's activities in North Korea goes well beyond those of assembly and expression. The authorities attempt fully to shape the consciousness of the populace. Pre-school children are drilled in adulation of Kim Il-song and his family through memorization of poems and fables, while youths and adults are forced to participate in daily indoctrination sessions conducted by mandatory youth organizations or at places of employment. The daily work

schedule, when combined with the forced indoctrination, leaves workers exhausted with almost no free time. This deprivation of freedom renders almost meaningless any rights the North Korean population might otherwise have and constitutes one of North Korea's strongest controls on its populace. The propaganda, which strives for ideological purity and for rote recitation of party maxims and positions, has succeeded in producing a society in which differences of opinion on political issues are never seen, at least by non-Koreans. The result is that North Korea's society is perhaps the most highly regimented and controlled in the world today. At least two North Korean security organizations enforce these controls.

North Korea has adopted as its state philosophy-ideology Kim Il-song's pronouncements on *juche*, or self-reliance. Kim's thoughts and actions, as well as the exaggerated or invented histories of Kim's relatives, are preached with such zeal, repetition, and thoroughness to the North Korean populace that they become the closest thing to religion that North Koreans have. Unlike religion, however, detailed knowledge of and reverence to Kim Il-song are not optional in any way; there is no choice but to follow the "beloved fatherly leader."

Virtually no outside information, other than that approved and disseminated by the North Korean authorities, is allowed to reach the North Korean public. Foreigners who have traveled to P'yongyang have been surprised to learn how little the North Korean populace knows of the outside world.

Despite North Korean claims of being a "socialist society," the DPRK is far from "classless." Security ratings for each individual are based on such considerations as whether any of the individual's relatives or associates collaborated with the Japanese occupation, attempted to defect, or came from suspect areas where there has been resistance to the regime. These ratings determine access to certain schools, positions, stores, as well as admission to the Korean Workers' Party, the route to the highest levels and privileges of the society. Any

individual whose relative or close family associate has gone to South Korea will be treated as suspect by the North Korean authorities. Ideological considerations and control mechanisms have come to differentiate North Koreans into highly stratified classes, with the governing minority perched clearly on the top.

Just as little outside information reaches North Koreans, little information on them reaches the outside world. The tight controls enforced on both Koreans and visiting foreigners by the North Korean regime render it difficult to obtain specific information on the society. The regimentation has been readily visible to every visitor, but information on specific criminal-justice procedures has been almost completely unavailable. Torture is outlawed but reportedly practiced on those accused of "political" offences. Its use on suspected "spies" is a matter of policy and record—for example, the *Pueblo* crew in 1968 was beaten, starved, and otherwise abused. In this regard, an account released by Amnesty International on the imprisonment in North Korea of Venezuelan poet Ali Lameda* has given valuable specific information for this report. Other details have been provided over time by visitors and by the trickle of persons who are able to escape or otherwise leave North Korea.

A special aspect of North Korean performance in the human rights arena is its treatment of Koreans originally resident abroad who elect to immigrate to North Korea, the overwhelming majority of whom have come from Japan. While the DPRK strives to coax these persons of Korean ancestry to North Korea for propaganda and possibly labor purposes, its reception for such immigrants does not match its promises. The immigrant has his property confiscated, is placed under close surveillance because of his "corruption" by Western exposure, is given a smaller food allotment than other North Korean citizens, and is restricted from visits by family members still resident abroad, except in areas that are carefully controlled to allow North Korean monitoring of all things said by the immigrant. Those who hint at negative aspects of the DPRK or imply a desire to emigrate are severely punished. Many of those immigrating to the DPRK are never again heard from by relatives and friends remaining outside.

1. Respect for the Integrity of the Person, including Freedom from:

Torture

Ali Lameda's report on his imprisonment explains that torture and beating were used on Korean prisoners during interrogation, although physical torture was not used on Ali Lameda and fellow-foreigner, Jacques Sedillot. Crew members of the *Pueblo* were beaten. Further information is unavailable.

Cruel, Inhuman, or Degrading Treatment or Punishment

Lameda reports deprivation of food to force "confessions," as well as solitary confinement, continuous interrogation, enforced waking periods, poor or non-existent medical treatment, and deprivation of visits, parcels, correspondence, writing materials, newspapers, and clothing changes. Prisoners are reportedly regarded as persons without rights.

* This account was published in its entirety in the Fall 1979 issue of *SPEAHRhead*.

Arbitrary Arrest or Imprisonment

The North Korean constitution explains that an individual exists only for the benefit of the collective whole; citizens must strictly display a high degree of collective spirit; vigilance is necessary against opponents of the socialist system, who are "hostile elements"; and the courts are to protect the socialist system, not the individual citizen. These provisions allow arrest without charge and imprisonment for long periods without trial. Lameda was reportedly told that his requests for a lawyer of his choice and an open trial were "bourgeois." Persons are imprisoned for political crimes, both those of conscience and those of overt acts. Imprisonment is justified by the supremacy of the state over individual interests and rights.

Denial of Fair Public Trial

Lameda was twice denied public trial. After his first arrest he was imprisoned for a year without a hearing; after the second, he was put through a closed session without benefit of counsel of his choice or even knowledge of the charges. In the past, North Korea has purged individuals or groups from

"North Korea's society is perhaps the most highly regimented and controlled in the world today."

positions in the government or party without public trial. Those purged from party or government positions have frequently disappeared from public view; one cannot ascertain the "punishments" meted out for falling out of party favor. There is no effective right of counsel. North Korean media contain no reports of trials, and the closed nature of that society prevents further knowledge of whether trials are public or fair.

Invasion of the Home

The North Korean Constitution guarantees to citizens the inviolability of person and residence. Lameda reported, however, that his residence was not respected and that listening devices were used against him. The obvious monitoring arrangements and evidence of constraint on North Koreans on those rare occasions when their overseas relatives have a chance to meet them, as well as North Korea's unremitting effort to bend and control the thoughts of its populace, lend little credence to claims that the regime respects inviolability of person or residence.

2. Government Policies Relating to the Fulfillment of Such Vital Needs as Food, Shelter, Health Care, and Education

North Korea provides free health care and education to all eligible citizens, while food and shelter are provided at nominal cost. Basic foodstuffs such as rice and cabbage are reportedly rationed for equal distribution, and there are no reports of malnutrition or starvation, although the populace is denied beef, pork, and other "premium" foods, which are reserved for the elite. Distribution of other material goods, as well as access to the privileges of travel, information on the outside world, the best health care, and special schools are

strictly limited to the highest levels of the party and government. Even North Korea's relatively positive record in distribution of the most basic necessities must be set against a background of its consistent use of about 20% of the GNP for military purposes, the second-highest level in the world. This policy seriously stunts the progress of the overall civilian economy and delays rewards for the Korean people's efforts. North Korea has attempted to excuse the harsh penalties on lifestyle exacted by its military spending by citing need for defense against attack from the South. The North's program of building a huge army arrayed in clearly offensive deployment belies these claims.

3. Respect for Civil and Political Liberties, Including:

Freedom of Speech, Press, Religion and Assembly

The North Korean constitution states that all citizens have freedom of speech, press, assembly, association, and demonstration. In practice, however, those rights are nullified by other articles of the constitution which require citizens strictly to obey the "socialist norms of life" and to obey a "collective spirit." All political activities are dictated by the Korean Workers' Party, which also controls the individual's place of residence and work. The party has promulgated rules preventing, among other things, workers' transfers that would affect production schedules or marriages that would require relocation of either of the two workers concerned. Although freedom of religion is also allegedly guaranteed, North Korea in fact severely persecuted Christians and Buddhists from the late 1940's, using enforced membership in North Korean "religious organizations" as a means to identify and control these groups and individuals. Pyongyang uses the remaining organizational facades to proclaim the practice of religious freedom, but has long since purged memberships out of existence. All media in North Korea are strictly controlled by the authorities, and there is no freedom of the press.

Freedom of Movement within the Country, Foreign Travel and Emigration

Internal travel is more restricted in North Korea than in probably any other state; documents are required for any movement away from the vicinity of one's residence or place of work. A system of frequent checks is maintained by the police. In this regard, Pyongyang is unique among Asian capitals in its lack of bicycles, which the North Korean regime has apparently suppressed to reduce mobility. Foreign travel is limited strictly to DPRK officials or showcase performers. Tourism, even to allied Communist countries, is unknown. Emigration, which would be entirely inconsistent with North Korea's internal line that there is no finer existence than that in the DPRK, is completely suppressed.

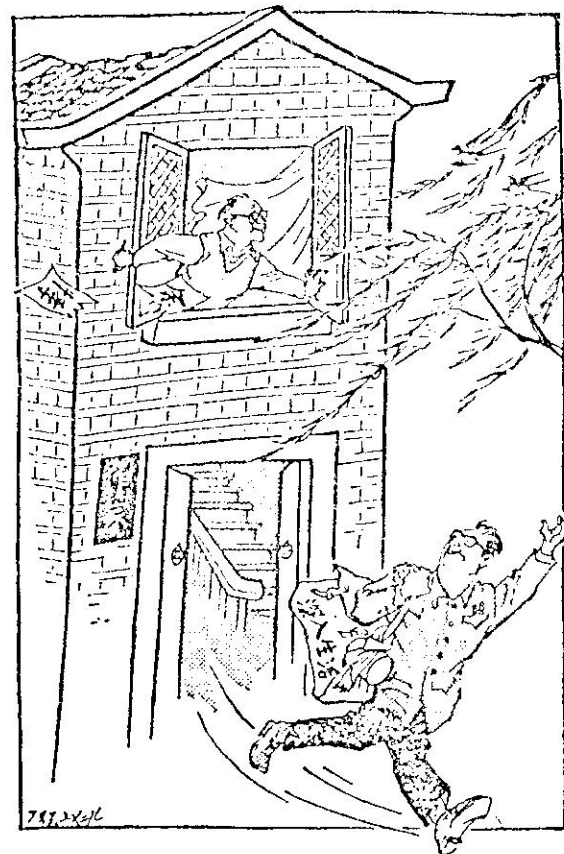
Freedom to Participate in the Political Process

The constitution states that all citizens above the age of 17 may vote and be elected, but the political processes are under the total domination of the leadership of the Korean Workers' Party, which is headed by Kim Il-song, who also heads the government. The legislature, the Supreme People's Assembly, is a rubber-stamp body which has never taken any action other than unanimous passage of resolutions presented to it. In an effort to create an appearance of democracy, North Korea has sanctioned several "minority parties," but these exist only as rosters of officials (completely supporting the government lines) and in token representation in the National

Assembly. The right to assemble is strictly controlled by the party and the state security organizations. The average citizen is completely excluded from any real participation in the political process unless he becomes a member of the Korean Workers' Party (KWP), the selection process for entrance to which is long and rigorous. Even the lower levels of the KWP have no voice, serving only to carry out the fiat, decrees, and "on-the-spot guidance" promulgated by the party's leadership, dominated by Kim Il-song, who has filled other positions in the leadership with family members or cronies. The North Korean Constitution purports to give equal rights to women, but few reach the higher levels of party and government. Trade-union activity is controlled for and by the state; notable in this regard is the reported lack of concern or equipment for safety in North Korea's factories and mines.

4. Governmental Attitude and Record Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Amnesty International has requested a visit to North Korea; Pyongyang has given no response.



打开窗子果然好，
走出门去更需要！

张文元

Writers' freedom. "Opening the windows is fine, but we still must walk out." One author shown "deeply entering life," but the other still has "lingering fear."

Cartoon by Zhang Wen Yuan. From Shanghai *Wen Hui Bao* 22M79, JR4430.

MONGOLIAN PEOPLE'S REPUBLIC

There is a paucity of information on the "Mongolian People's Republic" (MPR), and much of what is available comes directly from the Mongolian regime. The few resident diplomats and occasional visitors are mainly limited to the capital city of Ulaanbaatar and get only brief and opaque glimpses of Mongolian life in other parts of the country. The U.S. does not recognize or have diplomatic relations with the MPR.

The MPR is a communist country almost totally dominated by the Soviet Union. Although the U.S. has no specific evidence of human rights shortcomings or violations, it is assumed that the MPR regard for human rights is no greater than that of its Soviet mentors.

1. Respect for the Integrity of the Person, Including Freedom from:

Torture

The Department of State has no information regarding whether or not torture is employed in the MPR.

Cruel, Inhuman, or Degrading Treatment or Punishment

The Department of State has no information regarding whether or not cruel, inhuman, or degrading treatment or punishment is practiced in the MPR.

Denial of Fair Public Trial

During the 1920's and 1930's and into the 1940's, the MPR used secret police methods, secret trials, and during the 1930's, like the Soviets, had a series of purges with trumped-up or non-existent evidence. Indeed, not until 1949 did a law specifically confirm the exclusive right of legally constituted courts to try criminal cases. The civil and criminal codes provide the formal right to judicial process, right of the accused to a defense, and open courts, except as "specially stipulated by law." The Department of State has no information on how the judicial system actually operates, but all effective instruments are controlled by the Mongolian People's Revolutionary Party, and aggrieved citizens are not likely to secure redress in the courts. The emphasis in the criminal code is on crimes against the state, i.e., the death penalty may be imposed for "deliberate embezzlement or misappropriation of state property."

Invasion of the Home

The Department of State has no information regarding whether or not homes in the MPR are secure from invasion.

2. Governmental Policies Relating to the Fulfillment of Such Vital Needs as Food, Shelter, Health Care and Education:

The MPR has made major efforts to transform an essentially nomadic, semi-feudal country into a more modern society, although the MPR has been described by an American journalist who recently visited the country as the most backward of the Communist states. From a base of almost complete illiteracy in 1921, it has now reportedly achieved a

level of approximately 80% literacy. There is compulsory free education for seven years, a system of technical and high schools, one university and four post-secondary institutes. The regime has also utilized adult education with considerable success to help stamp out illiteracy. Similarly, considerable achievements in medicine and public health are claimed. A two-year medical technical school was opened in 1931; in 1938 the first four Mongolian doctors (trained in Moscow) returned to practice in their native country; and in 1947 the first fully-qualified Mongolian doctors were graduated from their own medical institute. According to MPR statistics, the MPR ranks second only to Japan in the number of doctors and hospital beds per capita in Asia. Sanitation, although still primitive in the smaller cities and rural areas, had become a major works project in Ulaanbaatar.

The MPR provides free medical attention, temporary disability payments, permanent disability pensions, old age assistance, unemployed payments, aid to expectant mothers, burial costs, and free or low cost access to government-operated health resorts. These services are based on the constitutional guarantees that all citizens have the "right to material assistance in old age as well as in the event of illness and loss of capacity to work."

The MPR has also done a creditable job in providing food and shelter for its citizens. There has been considerable construction of modern apartment buildings, especially in Ulaanbaatar, but construction has not been able to keep up with growing needs as nomads move to urban life. Still, many Mongols prefer to live, even in the city, in their traditional tent-like dwelling. Mongolia is a food exporting country. The normal diet in the past was almost entirely restricted to meat and animal products. The regime has encouraged, and even forced, the cultivation of grains and vegetables to broaden the diet, although traditional dietary habits are slow to change.

While the political elite clearly has many more privileges than the average citizen, the Department of State has no information indicating that corrupt activities are condoned by the regime.

3. Respect for Civil and Political Liberties, Including:

Freedom of Speech, Press, Religion and Assembly

The Constitution guarantees both freedom of worship and freedom of anti-religious propaganda. The Buddhist church, which sixty years ago was the best organized and [major] intellectual force in Mongolian life, has been reduced to a few showcase monasteries and a handful of clergy, who serve primarily as propagandists for the Mongolian regime in its relations with the international Buddhist movement. The Constitution also provides for freedom of speech, of the press, of assembly, and freedom to hold demonstrations and assemblies. The Constitution specifically states however, that these "freedoms" are provided "in order to strengthen the socialist state system of the MPR," and it is probable that any persons who exercise these freedoms in ways that are not



Lingering ailments: Among the post-Cultural-Revolution ills depicted above are: reading books as though every phrase is a truth (lower left), and lingering fear (lower right). The sign held by rider (upper right) says: "Who says this is not a horse?"

Cartoon by Chen Shaomian. From Shanghai *Wen Hui Bao* 22F79, JR4430.

The Eccentrics

Chinese authorities are less enthusiastic about the bohemians who frequent such places as Beijing's Peace Restaurant than is the *New York Times* (which carried a feature article on the establishment). The media have inveighed against "male and female hooligans" who associate with foreigners, corrupt public morals, and damage the national honor. "These hooligans, seductively and strangely dressed, gathered and committed all kinds of outrages." "All the criminal elements associated with this gang" were arrested. (See Crossreference section under 09-C.) 26D+101.

Shanghai (always China's most cosmopolitan city) has seen behavior that is even more eccentric. "Some young men have grown long hair, dyed it yellow, and set it in permanent waves." They are said to flirt and "walk in an effeminate manner." A writer in *Wen Hui Bao* insists that these are not minor matters. "Everything we do must be for the sake of the Four Modernizations. . . . If we fail to criticize erroneous ideas and acts promptly and fail to correct them, they will spread like germs and poison the minds of more people." 9+12F.

viewed by the authorities as contributing to this goal would rapidly find themselves in difficulties. Control is exercised through various mass organizations extending down to the block committee level. The Supreme Court is responsible for guaranteeing the constitutional rights of individuals.

Freedom of Movement Within the Country, Foreign Travel and Emigration

One of the major tasks of the regime in extending its control over its citizens (and in seeking economic improvements) has been to change an essentially nomadic population into a more stable one. Over the last fifty years, the state has gradually forced collectivization on the nomads and encouraged permanent settlements. All Mongolians over 16 years of age must have internal passports and must obtain permission from the militia in order to travel from one area of the country to another. There is little emigration from the MPR other than students temporarily studying in the Soviet Union or Eastern Europe. If there are Mongolians who wish to depart the MPR but who are not permitted to do so, their cases have not reached the attention of the outside world.

Freedom to Participate in the Political Process

The Constitution provides that all citizens over 18 (except the mentally ill) have the right to vote and to be elected.

The Constitution also provides for equal rights irrespective of nationality or religion. There is no evidence, however, of religious persons or those other than the dominant Khalka Mongols occupying elite Party or "government" positions. In elections, only one candidate is listed for each office so the choice is to vote for him or to cross out his name. Not surprisingly, many elections result in 99.9% turnout, with the winning candidate receiving 99.9% of the vote. Obviously the method for participating fully in the political process is through joining the MPRP and moving up carefully through the Party ranks.

Human rights is not a subject of debate or concern for the MPR. In the absence of concrete evidence, the Department of State assumes that its Constitutional guarantees are applied in much the same way as in other communist countries, particularly the Soviet Union.

4. Government Attitude and Record Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights:

We know of no past attempt by outside investigators to examine human rights violations by the MPR.

ESSAYS FROM CHINA'S D

On this and the following pages we present a selection of essays by writers associated with the recent democratic movement in the People's Republic of China. These materials are all **different** from those published in *The Fifth Modernization: China's Human Rights Movement, 1978-1979* (edited by James D. Seymour and published by Earl Coleman Enterprises, P.O. Box 143, Pine Plains, New York 12567).

Introductory italicized paragraphs, and bracketed information inserted in text, have been supplied by SPEAHR. The original source (usually an "underground" or unofficial serial published in Beijing) is indicated for each selection. For details about the various organizations which have put out these publications, see the above-mentioned book.

"COUNTERREVOLUTIONARY"

From *Beijing Spring*, 17 June 1979

The author of the following letter, Wang Lishan, was one of the leaders of the April Fifth (1976) Movement. The official newspaper China Youth front-paged his story in its 5 April 1979 issue.

To: Peng Chen, Director
Commission for Legal Affairs
National People's Congress

This letter was originally intended for the NPC Standing Committee or Chairman Ye Jiangying. But before it was mailed, I heard of the existence of the commission for Legal Affairs. Therefore, I have changed the address and am sending it to the Commission of Legal Affairs instead.

On the 13th of this month, I heard of Chairman Ye Jiangying's interview with some New China News Agency correspondents, during which he talked about our legal system. He said: "... We now have on hand the tasks of organizing forces in various quarters to study and work out, or revise, the criminal law, the law of criminal procedure, the civil laws, the marriage laws, various economic laws, and so forth, by submitting them, according to the legislative procedure, to the NPC or the NPC Standing Committee for deliberation..."

On this point, my views are as follows:

I. The Fifth NPC was held under special historical conditions shortly after the smashing of the Gang of Four.

The NPC deputies were not elected through a general election. Chinese citizens have never directly voted on the election of any people's deputy before the convention of the Fifth NPC. None of the deputies at the people's congresses from the local up to the national level were elected by the people. Therefore, these "deputies" are not the people's deputies.

Thus, according to legal procedure, the present NPC is not valid, and has no authority to formulate laws on behalf of the people.

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THE COST OF "BLOOMING"

By Gong

From *Autumn Fruit*, March 1979

During the winter holidays a certain agency was rehabilitating the rightists and redressing their grievances. So, those "old rightists" who had been ordered out of Beijing some twenty years ago were invited back. Personally, I had the good fortune to be with these "rightists" for a considerable length of time in the guest house. . . .

There is a song people used to sing: "Let's sing a folk song for the party. I take the party for my mother. My mother gave birth to my body. The Party enlightens my mind." When I stayed in the guest house with these "rightists" comrades who had been rehabilitated, they often said to me with tears in their eyes: "We are back again in the house of our mother."

In 1948 when our People's Liberation Army had trapped and surrounded the enemy forces in such big cities as Changchun and Shengyang, an enemy army colonel who was an aide-de-camp in charge of classified war plans at the command headquarters of Zheng Dongguo secretly joined the Chinese Communist Party. Before the battle Shengyang broke out, Zheng Dongguo ordered him to fly to Nanjing to deliver a top secret war plan. Risking his life, he stopped at Beijing to duplicate a copy of the document which he sent to Yanan through our underground party organization. This contributed heavily to our victory in the battle of Sheng-yang. Later, however, he lost contact with the Party and had to hide in Beijing. He joined the Liberation Army when Beijing was liberated. During the anti-rightist campaign, he responded to the call of the Party and took part in the drive "to let one hundred schools of thought contend." Speaking out at a cell meeting, he expressed his personal views about the work of his unit. As a result, he was suddenly branded a rightist, a Kuomintang right winger. Stripped of his Party membership and demoted, he was sent back to his native village in Shanxi to work in a factory.

Having sustained such a deadly blow, he felt confused and disillusioned. The incident made his poor health even worse,

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EMOCRATIC MOVEMENT

DEMOCRACY IN THE PROVINCES

Letters in *Beijing Spring*, 17 June 1979

Comrade Editor:

Before the end of March 1979, the main Democratic Wall of Hangzhou Municipality was located at the left of the Municipal People's Great Hall in Yanan Road. It was the wall facing the front door of the Municipal Department Store. Besides this, there were also others in the busy municipal sections, such as the Wulin [2976 2651] Gate, the Arch Bridge of the City (Railway) Station, and many terminating or starting points of public transportation lines. In all these places, big-character posters of different dimensions can always be seen. The Democratic Wall was created by the masses, and no fixed form has yet been decided for it. Anyway, these walls are used by the masses for putting up big-character posters. Posters have also appeared in some buildings of organizations and units. Some units have even set up special poster boards.

Since the last ten days of March 1979 (the Six-Point Notice of Hangzhou Municipality was dated 26 March), all posters were removed from the walls originally designated for this purpose. One of the six points in the notice stipulated that thereafter, big-character posters could be put up only on the wall facing the southwest corner of the open-air movie theater in Gongren [Workers'] Road. As I have personally observed, this place is far more secluded than the former places where Democratic Walls were erected. The space on this wall is not only much less than that previously allotted, but the wall is peeling in many places, exposing loose mud on which posters cannot remain stuck. The people, however, chose to put their posters on the right wall of the open-air movie theater, and on another wall facing the First Municipal Hospital where there are more passers-by and more activities than in the present designated location.

I agree with the leadership in designating the locations for putting up big-character posters. However, some facilities must be provided for promoting democracy. For example, I may mention that even in a coach, a restaurant and so forth, there is a system of soliciting suggestions. So why not a unit, a province or a municipality? In view of the above mentioned situation, can we say that we are sincerely promoting democracy? Such action is most stupid. Can we achieve real stability and unity when outwardly "nothing but silence reigns?"

The overwhelming majority of big-character posters I have read are correct and based on facts and sound logic. Even though some of them are wrong, they can nevertheless help the leadership understand the people's feelings and carry out political and ideological work accordingly. So what harm can they do? On the contrary, this can only help consolidate

(Continued on page 35)

WORKERS' LIVING CONDITIONS

By Wei Mingqing

From *Autumn Fruit*, 20 April 1979

Recently, a correspondent conducted an investigation into the housing conditions of the workers of Beijing No. 1 Cotton Textile Mill. What he saw and heard is quite thought-provoking. Below is a summary of his account for our readers.

Sight of Congestion Unbearable

The Beijing No. 1 Cotton Textile Mill was the first mill built in our country after liberation. When it was built in 1954, there were 1,800 workers living in 26 family and communal dormitories. Today, 25 years later, the number of workers has been increased to more than 4,500 and the floor space of the dormitories increased by 2,000 square meters. According to existing housing conditions, even 1,600 workers would be too many for such limited space.

The family quarters are all in three-storied buildings, and are of more than 10 different sizes, measuring 4.5, 5, 6, 7, 8, 9.5, 12.5 square meters and so forth. Each unit consists of four or five rooms, a kitchen and a toilet, totaling 40 square meters. According to the original design, each unit was intended for one family; but now, it is shared by three or four families. The entire family quarters are now occupied by more than 6,000 persons, with an average space of 2.9 square meters for each person. Veteran cadre Du Maoheng, secretary of the mill Party committee, has a family of nine, all housed in two rooms with a total floor space of 29 square meters, or an average of 3.2 square meters for each person. Shao Yuben, chairman of the mill revolutionary committee, formerly an underground Party member, has a family of three, including a 30-year-old daughter, and they occupied only one room of 14.5 square meters. These people live in the mill's first-class dormitory.

Engineer Sun Jianxun, deputy chairman of the mill revolutionary committee, has a family of five belonging to three different generations. They all share a 12.5 square meter room, averaging 2.5 square meters for each person. Jin Taoying, who began in 1939 as a child apprentice, has also a family of five of three generations. Her son and daughter are already over 17 and 18. Their room space is 15 square meters, and it is a second-class room. Veteran worker Guo Yuehua and his family of four live in a third-class room of 9.5 square meters, with an average space of 2.3 square meters for each person. Another veteran worker Shi Xin with a family of six lives in a 12.5 square meter room. His older son and daughter are already over 20. The average space for each person is less than 2.1 square meters. Li Sumei, an old worker with a family of eight, lives in a 15 square meter room. The older sons and daughters are over 20, and the average space for each person

(Continued on next page)

WORKERS' LIVING CONDITIONS, *continued*

is 2 square meters.

According to the Beijing Municipal Housing Control Bureau, children of 13 should not stay in the same room with their parents. Yet in this mill, a family of three generations have to live in the same room, and there are more than 50 such families. There are 337 families with daughters over 15 and 229 families with daughters over 18 living in the same room with their parents. Because of the shortage of living space, there are 20 families with eight and five persons living in rooms of 15 and 10 square meters respectively.

When the correspondent conducted his survey of the family quarters, he found trunks, furniture and other household utensils being piled up in every family. Something which cannot be piled up, like bicycles, were hung on the walls. The dining tables and chairs of most families are of the folding type so that after eating, they can all be folded up and tucked under the beds. Engineer Jiang Huazhi with a family of five, lives in a 14.5 square meter room. Since there is no space left for piling, several hundred books were spread out on the balcony. He said that this was a special arrangement as a favor from the mill. To solve the problem of sleeping when there is not enough space, more than 80 percent of the families use folding beds, canvass beds, or pieces of boards spread over the floor. Some workers add a piece of board to a double bed so that four or five of them can sleep on the same bed crosswise. Others make a double bed lower by shortening its legs, and then put a single bed on the top of it. There will then be three levels of sleeping space which the workers jocosely call air, land and sea. When there are too many children and not enough space, the workers would put up planks in the balcony for the children. In case they cannot find any plank,

they have to use tables or stools instead. Otherwise they have to sleep on the floor.

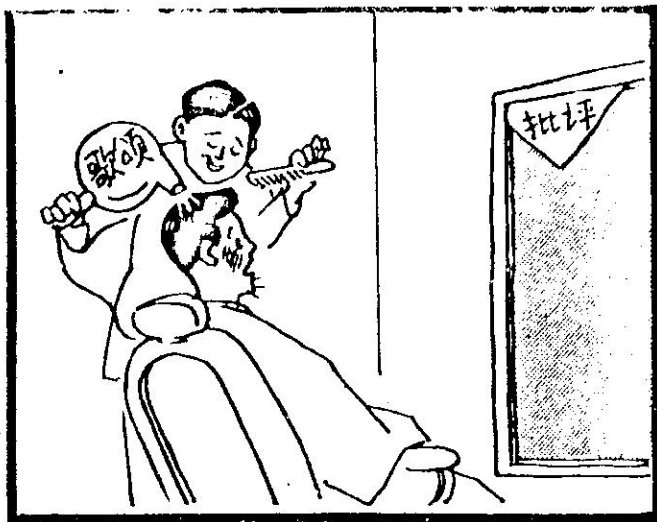
There is still another type of dormitory called "Mama Quarters" specially for mothers who have to care for their children. According to statistics, more than 500 married couples have no private rooms to live in. After getting married, they have to live in exclusively male and female dormitories. When they have children, the female workers have to stay in the "Mama Quarters." Every room here is occupied by two female workers with two children each, or three female workers with one child each. On entering these quarters, people can hear children crying and adults shouting. Inside the rooms, besides piles of personal belongings here and there, the floor is littered with rice bowl, cookeries, trunks, clothing, diapers and urinals which are dirty and stinky. Nearly 30 families live on each floor where there are only five gas stoves. Quarrels are therefore quite frequent over the use of stoves.

Even those appalling conditions are considered luxury inaccessible to some workers. Some married couples have to stay with their parents, and others have to spend four or five hours each day travelling between the mill and their homes in Mentougao or Changxintian. The rest have to stay in nearby peasants' homes and pay exorbitant rents.

Congestion and the Serious Consequences

Now, many workers, old and young, can hardly refrain from tears when they talk of the problem of accommodation. Yin Taoying told the correspondent: "I have a mother, children and brothers-in-law. How can people of all ages squeeze together! My husband has to take care of his mother and the children. For a long time, he has to sleep on cement slabs. He has now a lot of health troubles. I too have hypertension because of lack of rest over the years." A female worker living in a "Mama Quarters" said: "Our lives are indeed miserable. After working our shifts, we can neither eat nor sleep. usually, when one child gets ill, all the children in the quarters get ill too; when one cries, all the others cry. Everyday is an exhaustion for us. As a result, we have all kinds of health troubles, and our work efficiency is impaired." Many workers said: "We are supposed to be masters of the country. When we work, we forget everything. But upon returning home, we have nothing but worry and anxiety. Human beings are not made of steel, so how can we stand the strain month after month and year after year! Even a healthy man can easily get ill." According to incomplete statistics, people on the sick list are increasing every year. There are now more than 1,680 workers, or 36 percent of the total number, having heart disease, hypertension, rheumatoid arthritis or other occupational diseases.

Because of the serious shortage of living space, more than 500 married workers cannot stay in the family quarters, while some children, having already attended school for several years, are still living in the "Mama Quarters." Many young married couples have begun to doubt each other's faithfulness because of their long separation, and this created family troubles. Some female workers living in "Mama Quarters" sometimes have sick children, but the husbands usually cannot find them. It has also happened that husbands stayed overnight in "Mama Quarters." (Two couples in the same room were separated only by a hanging sheet.) Sometimes, some husbands visiting their wives and children in the "Mama Quarters" ended up staying in the rooms of other female comrades. Since the workers of the mill have to cover three shifts, on-duty female workers usually worry about their husbands



“歌颂”理发馆

我们这儿只有吹风，没有镜子！

王乐天画

Criticism. In the "Sing the Virtues Barber Shop" there is no mirror (criticism). "We have only hair dryers [literally, wind blower]. Hair dryer is labeled "Sing praise."

Cartoon by Wang Luotian. From *People's Daily* 13a, JR4430.

being "stolen" by other female workers. This led to contradictions among the workers as well as between husbands and wives.

Sanitation in the family quarters is very poor. In summer, many workers' homes reek with the smell of sweat. If the female workers or their daughters want to change their clothing or to give themselves a rub, they have to do it in the toilet. Worse still, because of the congestion in the rooms, children who have somehow learned about the facts of life and are living in the same room with their parents, may be seriously influenced, if their parents are not particularly careful in talking to each other or fail to take the necessary precautions in their sexual acts.

According to statistics, 157 young people brought up in this mill's premises have been arrested for violations of laws. One of them was executed, 11 received prison terms, 15 were sent to the reformatory, and 37 had to attend study classes under police supervision. In addition, 93 of them had to be educated by the public security organs because of fighting and stealing.

At the same time, cases of sexual relations between fathers and daughters, brothers and sisters, and between young neighbors have occurred. Old worker So-and-so's 15-year-old daughter So-and-so has been sexually molested by her step-father many times. Worker So-and-so's son So-and-so had a long illicit affair with a 16-year-old girl student. Old worker So-and-so had to let his 15-year-old daughter stay with her grand uncle because of congestion at home. She too was sexually molested by her grand uncle for a long time.

The shortage of living space has also creates serious problems for young people's study. Generally, a family of five or six are confined to a small cubicle. A student returning home cannot study, and therefore has to go out to play. If the parents are strict enough, or if the student himself is diligent, he has to wait until his younger brothers and sisters are sleeping before he can begin to study or do his homework. Many young people or students cannot stay at home; they go out and form gangs for fighting (sometimes armed with knives), to circulate vulgar literature, to gamble to smoke or to get drunk. Some teenagers have already started smoking, and groups of them, boys and girls, are usually seen fooling around in the dark. Most of the children of these workers attend the Shilibao Middle School. Because of the students' ideological backwardness and poor educational aptitude, only one of them was accepted by the Beijing Teachers Training Institute after the 1977 high school final examination. This student was accepted for the athletic department only because he happened to be unusually tall.

The Voice of the Workers

The cadres and workers of this small mill told the correspondent: "We have many times reported to the Beijing Municipality and the Municipal Textile Bureau on our serious housing conditions, but each time, our report was like a stone falling into the sea. We hope the leading cadres who formulate policies will come to take a look." Some workers said: "The Constitution stipulates that workers have the right to rest. But we cannot take our rest by lying down on the road!" Some young people, who had been married for many years but still have no home, said: "Even birds have nests and rabbits have dens. But we have hardly any space to insert a spike. How can we be called masters of the country!" They earnestly urged the writer to report this to the higher authorities in the hope that the Party and the state could really help solve their housing problem. JR4591

TAIWAN'S DEMOCRACY WALL

From Masses' Reference News, 24 February 1979

Largely inspired by Beijing's Democracy Wall, a group of people in Taiwan established poster walls for free expression in late 1978. The leaders of the movement were philosopher Ch'en Ku-ying, and Ch'en Wan-chen, who were candidates in an election then being held (subsequently cancelled by the Chinese nationalist government). Both Mr. Ch'en and Ms. Ch'en subsequently fled to exile in the West.

The "Democratic Wall" and a "Patriotic Wall" were erected in front of the Taiwan University. Many people concerned with political affairs are fighting their battle of words on these walls.

The "Democratic Wall" is built of plywood and located before Taiwan University Book Store. It was put up by Ch'en Ku-ying, a candidate for National Assemblyman, and Ch'en Wan-chen, who was running for the Legislative Yuan. On the wall are written the words "We leave this Democratic Wall for everyone to express his opinion."

Soon after the appearance of the "Democratic Wall," some young people erected the "Patriotic Wall" in front of the "Haohua Book Store" nearby. On this wall are written these words: "Patriots express their patriotic feelings on this wall!"

Since the expression of different opinions is permitted on both the "Democratic Wall" and "Patriotic Wall," every poster appearing on either of them would soon meet with a rebuttal in the form of "comments." There is now such a profusion of different opinions that it is hard for people to keep track of them.

A poster recently appeared on the "Democratic Wall" reading: "Yesterday, Ch'en Ku-ying spoke at Taiwan University. The substance of the speech and the warm response it received eliminated all the malicious slanders and distortion of facts. When he finished speaking, people swarmed to the rostrum to make donations in amounts of 10 cents, 50 cents, \$5 and \$100, total 24,971.20 Taiwan dollars. This is an unprecedented spectacle in election campaigns in Taiwan. In the past, candidates had to buy votes. Today, people donate money before giving their votes. This is a new milestone. . . . We thank those who support Ch'en Ku-ying and Chen Wan-chen. . . ."

However, there are comments written in red and black ink beside the poster. One passage reads: "Facts have proved that Miss Chen was only drafted." Another passage reads: "I made my donation out of pity for an assistant professor 'begging' in the street, but not in support of his political views."

On the Patriotic Wall were posted some pictures of a discussion group in Sun Yat-sen Hall on December 3, showing two anticommunist heroes among others. Besides the pictures are several big characters reading: "The National Anthem and National Insignia Must Never Be Destroyed!" and "Fists are used in Sun Yat-sen Hall and human rights are wrecked before the election platform."

On the Democratic Wall was a poster written in red ink, reading: You are simply a bunch of monkeys who have fully tasted the fruits of liberty and yet trample it underfoot. If you think no normal people can exist in our land, why don't you go to the bandit areas [mainland China]?"

These battles of words attract huge crowds every day. Some of them remain silent while others were discussing the issues among themselves. JR3987

so much so that he had to enter a hospital. But his comrades did not desert him. Instead, they encouraged him to overcome the double tragedy. Moved by the support given him by his comrades, he wrote a touching verse: "O My Party, my dear mother, there will be a day when I will return to your house!" Now he has come back, old, face full of wrinkles and hair completely white. When he was pronounced rehabilitated and won back his Party membership and grade, he wrote again and chanted with bursting emotion: "A wandering child happily returns to his mother's house!" Then he told his old colleagues a story about himself. He said he did not have any children until a year ago, at the age of sixty, when his wife gave birth to a big healthy boy. The story was such a delight to his colleagues that they congratulated him: "Big News, having a child at the age of sixty!" He responded: "It's also big news to return to my mother at the age of sixty."

There was another comrade, old, thin and hunchbacked. He had lost all of his teeth and could not speak clearly. Wearing a black cotton padded jacket, he looked like a simple peasant, but nobody can tell by his appearance that he is a highly educated man, an authority on Chinese literature. In 1947, when the reactionary Kuomintang government ordered his arrest for a leading role he played in a student movement, he managed to escape to our revolutionary base. At the time of the anti-rightist campaign, he was a probationary party member. Later when the Party began a drive "to let one hundred schools of thought contend," he remained silent because he thought he had nothing worth saying. One evening a local Party leader came to his house to chat with him, encouraging him to open his heart to the Party, examine his own thinking and have faith in the party organization. Assured of the support of the Party, he spoke out his inner thought and explored some individualist ideas left in his mind. Two days later he was suddenly pronounced a rightist. Surprised and confused, he was at a loss to figure out what he was charged with. He found out later that the unit he belonged to had failed to identify enough rightists to meet a quota assigned by its upper echelon and had to look for more rightists to fulfill the quota. He happened to score better as a rightist than the rest. So the local party leader decided to trap him. That was how he lost his probationary Party membership and was dispatched from Beijing to a factory in the Northeast to weigh coal. Ten years later when his health deteriorated, he was made a door keeper, a position he held for 10 more years. Now he tells everybody in the guest house: "I had loafed for 20 years. Now the Party wants to take care of me. But what can I do? Even though I am not yet sixty, I am a sick man."

In spite of poor health, he still keeps himself busy. The moment he got to the guest house, he began to work as a voluntary guide for the newcomers, helping them locate their bedrooms and the lavatory and assist the presiding comrade of the rehabilitation session. His tiny figure, thin and hunchbacked, dominates the whole scene. . . .

How sincere and honest they are! Are they not the most loyal fighters of our Party?

When I was with these comrades, I felt overwhelmed by their joy and happiness. It was spring time and the soothing breeze helped accentuate this happy feeling. Twenty years of misfortune had taught these comrades to be more reserved and yet more broadminded. But I noticed they show some kind of deep-seated concern in spite of their joy. . . .

In 1957, a certain educated man who had joined the army

right after the liberation was suddenly branded a rightist, stripped of his job and ordered out of Beijing. Without a stable job, he traveled from one plant to another and from one farm to another. Finally he was given a job in a local factory in Shanxi. Even though he was the best skilled worker of the entire plant, they dared not hire him officially because he had been branded a rightist and stripped of a position assigned him by the government (branding of rightists stopped in 1962). When the work to redress grievances began here, the Party organization in Beijing located him and wrote to the Xian Party committee to ask the man to return to Beijing to air his grievances. As he failed to appear several days after the check-in time, the cadre in charge contacted that Xian Party committee by long distance call, asking whether it had received the notification and notified the man in question. While acknowledging receipt of the notification, its answer was evasive, pleading that due to pressure of work, the man just could not manage to leave. It proposed to send a responsible cadre to Beijing on his behalf. This was rejected by a cadre in charge of the rehabilitation work who threatened to bring the case to the provincial Party committee. It was only after this warning that the Xian Party committee finally agreed to let him leave for Beijing.

After he arrived in Beijing, he said they did not tell him about the notification, nor did they drop any hint. His account made everybody furious. But this is not the only case of the kind. One comrade cut in to say: "Listen, let me tell you another strange case. When I got the notification from here, I took it to the train station to buy a ticket. They refused to sell me the ticket on strength of the notification which they considered contrary to the rulings of the State Council." Another comrade who had been rehabilitated said: "Once you're rehabilitated, actual assignment of jobs is still a big problem." This comrade, they say, knows English, French and Japanese and used to do translations. Now, having been rehabilitated, he still does not have a stable job. They all agree that the purpose of rehabilitation is to activate the enthusiasm of those rehabilitated and make them more willing to apply their know-how to help the Four Modernizations. But rehabilitation and restitution of Party membership and grade represent only a partial implementation of the policy to redress injustice.

"Will there be another anti-rightist campaign to put the branding on us which had been removed?" "Will fruitful production and material affluence twenty years hence lead to a different arrangement of priorities?" "Now, we are promoting proletarian democracy. Will there be another drive 'to strengthen the dictatorship of the proletariat' on a later occasion?" These are the kinds of discussions I used to listen to all the time.

My report covers only the true conditions of the times, and I hope these few lines can give you all a glimpse of the thinking of those old "rightists." Today the warmth of spring has helped break the ice. Even though there will be more cold waves, the beauty of springtime is irresistible. This generation of people, tempered by twenty years of hardship, will not permit the good earth of the fatherland and minds of the people to succumb to an everlasting winter. JR4532

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I feel it necessary and possible for the NPC Standing Committee to be charged with the provisional responsibility of organizing the drafting of electoral laws, to be revised according to an appropriate procedure which guarantees that the consensus of citizens is taken into account. Then, since the present NPC has no authority to examine and approve it, the draft of electoral laws should be published and publicized for direct voting by citizens throughout the country. When the laws have become valid, the deputies of people's congresses at various levels up to the Sixth NPC shall be elected according to law. After guaranteeing that the people's deputies are really representing the people, the Sixth NPC shall be convened as the highest organ of state power to perform its functions (including the revision of the Constitution and the formulation of laws).

Electoral laws are the most basic laws as well as a prerequisite for a people's democratic state. Without a set of electoral laws passed by the voting of the whole people, the judicial organs cannot legally represent the people, because the people have not entrusted them with the formulation of laws or authorized them to do this job. Although the present Fifth NPC is capable of representing the people's interests, according to democratic and legal procedures, the laws formulated by it can only embody the will of the present NPC structure or (groups), or the will of the leaders who decide on the membership of this structure. It does not embody the will of the people.

A special study may be conducted on such questions as how to insure that the deputies are elected by the citizens and other questions which the citizens should know.

II. On the Constitution and the "Report on the Revision of the Constitution," I would like to submit the following two opinions:

First, according to Article 45 of the Constitution, "citizens enjoy freedom of speech, correspondence, the press, procession, demonstration and the freedom to strike. . ." Yet, according to Article 18, "the state safeguards the socialist system, suppresses all treasonable and counterrevolutionary activities. . ."

What do counterrevolutionary activities include? The report states: "In accordance with Chairman Mao's consistent teachings, in our struggles in the ideological and cultural spheres, we must correctly distinguish and handle the two types of contradictions that differ in nature. We must never allow counterrevolutionaries to have their way in their anti-party, antisocialist and anti-Marxist activities in these fields." Apparently counterrevolutionary activities include struggles in the ideological and cultural spheres, and counterrevolutionary activities must be suppressed.

My opinion is that according to laws or the requirements of laws, and excepting making false charges, telling lies, and divulging state secrets, citizens enjoy the freedom of speech in various forms (including the making of what the authorities may call "counterrevolutionary" statements). In other words, it is no crime to make any statement.

The reason is that if citizens are given the freedom of speech, and yet the making of "counterrevolutionary statements" within the "revolutionary" sphere is considered a counterrevolutionary activity which should be suppressed, it will mean that "there is no freedom of counterrevolutionary speech."

Then (1) What is a counterrevolutionary speech? (2) Who can decide certain statements as being counterrevolutionary?

In the course of their study and exploration in the ideological and cultural spheres, particularly in, or concerning, the field of social sciences, people will discover problems, form conclusions and express opinions. Who can immediately pass judgment on these activities (particularly the genuine scientific explorations conducted with a scientific approach, and the conclusions and opinions on certain questions discovered but not yet scientifically proved) as being revolutionary or counterrevolutionary?

However, because of "the need to suppress counterrevolutionary activities in the ideological and cultural spheres," such judgments must be passed.

If it is necessary to pass judgment on something which cannot be judged in its entirety (unless there is a volume of "History of Future Ideology") and yet impossible to classify people's statements, then the "crimes of making anti-party and counterrevolutionary statements" can only be decided according to the will of the judge. Generally speaking, the responsible party and state leaders play quite a big and even decisive role. (The lessons from the "gang of four" and the instances of "counterrevolutionary crimes" according to the verdicts of law courts at various levels should be noted.)

This will become an obstacle to the people or interfere with their incessant search for truth, because it is quite possible for them to be judged guilty. Thus, it will also hinder the advance of our entire nation and can obstruct our striving for modernization.

To protect people in their search for truth, there must be some legal guarantee for freedom of speech, whatever may be



Tribute to Premier Zhou. Woodcut by Gu Yuan commemorating the spontaneous demonstrations in Peking on April 5, 1976 (BR-13A). Some of the demonstrators were killed, and a large number were arrested. They have now been exonerated because they were following the "correct" line (BJ21&22†22&24N). Verdicts affecting participants in similar demonstrations around the country have been corrected more slowly if at all (ZJ20†22N).

its contents (except for slandering, lying or divulging state secrets).

This freedom will certainly apply to the "real counter-revolutionary statements" as well; otherwise there will be an excuse to "prohibit eating as a precaution against choking."

I feel that even a counterrevolutionary statement, if confined to words alone, cannot directly hurt the state or the people. However, if a person actually translates a statement into such action as murder, arson, sabotage and so forth, then he has violated the law and must be suppressed and dealt with accordingly.

Legally speaking, there should be no difference between "internal" and "external" because in either case, the person enjoys the same freedom, subject to free criticism and counterattack from others. If you think that it is an "internal" affair, you can criticize and repudiate him. If you think it has "external" relations, then you can refute or counterattack him.

Certain specific articles of law can be formulated to punish such actions as would objectively disrupt normal order, infringe on other people's rights or encroach on the interests of the state and the people, aside from all necessary preventative actions.

What is the meaning of the term "anti-Party"?

I feel that committing a crime is a matter for the law. Since laws are used by the state to regulate the activities of the citizens, therefore, a person violating laws should be considered as doing it in the capacity of a citizen before he can be judged as having committed a crime or being guilty.

The Party is formed on the basis of freedom of association. It is entirely free to formulate its own regulations or laws regarding what it requires of the party members. If a Party member makes antiparty statements, the party certainly has the right to take disciplinary action against him or to expel him from the Party. However, it has no authority to punish him (such as by putting him under arrest and passing a sentence) because such action should be taken by the state's legal organs and a citizen enjoys the right of protection by state laws.

Nonparty citizens' statements against a certain party does not constitute a crime for reasons stated above.

As to rumor-mongering—what is rumor-mongering should be carefully studied—there may be great difficulties in determining what constitutes rumor-mongering and how to prosecute the offender. However, since it is after all directly linked with facts, it is possible to proceed on the basis of precedents and work out a solution.

The second opinion which I wish to advance concerns the right to publish. The Constitution says: "Citizens enjoy freedom of the press." Here comes the question of the "publication of any statement." In addition to what has been mentioned above, there is still the question of material guarantee for the citizens' rights.

If a citizen wants to publish some journal and is able to raise the required funds, but how can he print and distribute his publications?

I feel (1) that some publishing house be designated to serve publication by citizens who can then arrange with the publishing house on printing and form some kind of economic relations; and (2) that book stores should set up a section for selling civilian publications on a consignment basis. Otherwise, freedom of the press can only remain on paper.

WHY DYNASTIES FALL

From *Voice of the People*, December 1978

In 1066 B.C., namely the fourth year after the death of King Wen, King Wu, bearing the ancestral tablet with King Wen's name on it, proceeded to launch an expedition against Zhou. It was said that the state of Zhou (now run by King Wu) first dispatched a spy to the state of Shang (ruled by the above-mentioned tyrant Zhou) to ascertain conditions there. The spy returned and said: "Bad people are in power there. The conditions are chaotic." King Wu considered that it was not time yet for him to launch the expedition.

Sometime later, the spy reported again to the King: "Good people are all driven away now." King Wu still considered that the time was not yet right to launch the expedition.

Finally, the report was made: "The common people all shut their mouths and dare to say nothing any more." Thereupon, King Wu mobilized his soldiers and launched the expedition. As the march proceeded, the soldiers in the front ranks sang and those in the rear ranks danced. These soldiers of the state of Zhou started their march at the end of January, but by the end of February they already entered Caoge (capital of the state of Shang), thereby annexing the state of Shang.

JR3787

III. In press reports on the "anti-Peng Pai Incident," it is said that "...the very tiny number of people who have committed serious crimes and yet refuse to repent should be dealt with according to law."

I feel that, first, anyone who has committed a crime should be dealt with according to law, and the punishment should fit the crime. Why have these people who "committed serious crimes" [not been] dealt with "according to law"? ... If crimes can be committed without being punished by law, then what is law for?

Secondly, after committing a crime, what is meant by repentance? Law should be used in dealing with what has been established as a crime. If a person commits a crime and can get off scot-free, provided he is repentant, will this not make a mockery of law? And what can law guard against? Where is the dignity of law? And who will be afraid of law? If a person wants to kill someone, he can immediately go into the street and kill someone, and then come back to "repent and mend his ways" and to swear not to do it again. Is this possible?

I hope you reply. Thank you.

Wang Lishan
Machinery Factory of Construction
Section under the Third Bureau
Wucheng Road, Taiyuan.
17 February 1979

JR4591

DEMOCRACY AND ENVIRONMENTAL POLLUTION

This is an extract from an article of unknown authorship which originally appeared in Beijing's Democracy Wall. It was reprinted in April Fifth Forum, 11 March 1979.

The masses must understand the condition of their own country and society. If they are ignorant of the conditions, how can they reach any decision? Will not the manifestation of their will become a mere empty phrase? Where will the people's strength to promote the progress of society come from?

Let us give an example: Though the government has not made public the condition of the environmental pollution in Beijing, its severity is known to all who have eyes to see.

The Air: Smog envelops the city all day long, and becomes worse in winter, often obscuring the sun and moon. If one wishes to see the beautiful sunshine, one can only do so in the one or two days after a storm. The moment an automobile passes on the street, black smoke rolls. It is truly shocking!

Drinking water: Even after boiling, tap water often tastes like sulphanilamide, difficult to swallow. If the Beijing Waterworks were not the only concern, one would certainly change one's patronage.

The eight million people of Beijing city live all year round

in such an environment, and no end is in sight.

Today, many capitalist countries know enough to make public the conditions of environmental pollution and protection, in order to mobilize the strength of society to combat pollution, yet our government has never made known such conditions to the masters of society—the people. As a result, environmental protection work fails to obtain the support of the masses and produces very little effect over a long period of time. . . . We cannot even compare with the capitalist countries. Does it not call for the serious attention of the leading cadres of all levels?

Thereupon one calls to mind many big and small things. There are simply too many things which the people should, but don't know. If this issue is not concretely solved, while such terms as "masters," "heroes," and "confidence" are shouted all day long, will it not be extremely hypocritical vis-a-vis the title of the People's Republic of China?

Some people may stall on the grounds of "the necessity of secrecy." Actually, it cannot serve as an excuse to block information from the masses. We must scientifically reevaluate the various classified conditions and determine whether they actually serve to protect the interests of the people or to suppress their initiative. JR3922

PROVINCES, *continued from page 29*

and develop a political situation of stability and unity. However, some leaders think exactly the opposite way. They feel that in exposing contradictions, the masses are only trying to find fault with them and that this will not help promote stability and unity. They consider the revolutionary people's exposure of contradictions and their concern for state affairs "bad things" and therefore make every effort to suppress these "bad things." These people lack the spirit of self-criticism and have even less desire for reform. Naturally, they are not pleased with the people's exposure of their shortcomings and have to oppose or suppress them. According to what I have heard from most people, both the higher (central authority) and the lower (mass) levels are quite impatient with the progress of the shift of the focus of party work and the Four Modernizations, but the middle level does not seem to care. Why?

Yi Wei
Zhejiang, 30 May 1979

Comrade Editor:

Let me briefly describe to you the Democratic Wall in Xian as follows:

The Democratic Wall was born during the upsurge of democratic movement spreading out everywhere from Beijing during the last 10 days of 1978. It has lasted 5 months from the time of its birth to the time of its demise in the nationwide prohibition following the lead of Shanghai.

The Democratic Wall was located at the southern corner of the Post Office Building to the northeast of the belfry in the center of the city. It measured about 50 meters long and 2 meters wide. Since there were seven or eight big windows on

the wall, the actual space available for posters was somewhat reduced. However, because the Democratic Wall was in a conspicuous location, many passers-by would stop there to read the posters. Even though the number of these people might not have been large, it represented quite a cross section of the local community, including workers, peasants, soldiers and people in commercial and educational circles, of all ages and both sexes. These spectators generally seemed to be unconcerned. Among the very small number who seemed to be interested, the majority of them did not seem to approve of these posters, while some of them even opposed them. In other words, the majority thought it was a mess. From this, we can see that the emancipation of minds cannot be accomplished overnight. Therefore, it would not be easy for people to understand the importance of exercising that right given them by the Constitution. This is probably because of modern superstition or some lingering fear!

The fifth column in the Notice issued by the Shaanxi Provincial Revolutionary Committee on 20 April read: "Except at the designated locations, the posting or writing of slogans, posters, big-character posters and small-character posters in public places or on the walls of buildings is prohibited." This was probably necessary for preserving the good appearance of the city, but unfortunately, nobody could know about the designated places. They only know that whatever was left on the only democratic wall we had, had been completely washed away. Here, we cannot fare so well as in Beijing, where at least the Democratic Wall in Xidan still remains. If other places are all like Xian, then the Xidan Democratic Wall is the only one throughout the country. Let us hope that it will remain forever.

Regards,

Xiao Wei
Xian Municipality, 29 May 1979

JR4591

IN SEARCH OF A PHILOSOPHY

By Mu Yi

From *Exploration*, 29 January 1979

The life of today, saturated with hypocrisy and fraud, is brought about by the suppression of freedom of thought. Ignorance, dogmas, falsehood, perjury, fraudulent "decisions," fabricated writings, movies and photography have turned a country nine million square kilometers in area into a religious court of inquisition and penance. Isn't it a religious cult when people are compelled or willing to follow a well-prescribed pattern to think, to work, to live, to struggle, and to die, and when the totality of mankind is brought under the umbrella of single ideology? Even if such a religion is called a Marxist-Leninist religion, still it can do no more than to induce people to toil like beasts by promising them happiness in the next world. If one were to compare the Communist "paradise" of the indefinite future with the heaven projected by any religion, he would notice fascinating similarities between the two. As a rule, the converts of one religion who have faith in their own heaven will always speak contemptuously of the heaven of another religion. The Chinese Marxist-Leninist followers are no exception, although they have come forward for modernization in order to bring all heretics before the court of inquisition run by the "proletarian dictatorship." . . .

The desire to explore freely has never been and will never be erased from the minds of men in spite of the mandatory "reforms" imposed by dictatorships and tyrannies of all ages. In fact, aren't all people, including those who really understand and believe in Marxism-Leninism and Mao Zedong Thought as well as those who do not believe in it or do not understand it, in the same boat seeking the same basic human right, individual freedom? Many Chinese Marxists-Leninists claim their belief carries an inherent opposition to and contempt for all non-believers. But, when they themselves fought for the freedom to believe Marxism-Leninism, they took shelter under the same principle which they say is non-Marxist-Leninist.

Before you seized power, you had fought against Kuomintang persecution of your people. One of the major reasons, or one of your slogans, is that the Kuomintang had suppressed freedom of speech, freedom of belief, freedom of press, freedom of assembly, and the freedom of demonstration. Why do you suppress these freedoms after you have seized power? Why do you use the state machine to force 900 million people to unite under a single ideology, brand all dissenters "class enemies," and deny everyone the right to live freely? Can't you see why we are disappointed as you have done very little to help us realize our hope to live freely except to replace one dictatorship with another dictatorship?

What an ironic contradiction! Of course most people will not plunge into this quagmire of contradictions because, after all, they still have some human sensibility left in their system, even though they are lucky enough to be born in the most democratic and most advanced country under "proletarian dictatorship."

I am sure the Chinese people at least will not grieve over the loss of an emperor and his divine prerogatives, and will not be disturbed to see the outmoded Marxism-Leninism re-

turned to where it once belonged, and no longer groomed as a state religion. This is for sure. Can anyone find a prosperous modernized country in the world today still guided by a single theocratic principle? China has tried it for 30 years without achieving any prosperity.

To the theoreticians and leaders of the Chinese Communist Party I should like to say: You ought to realize that you yourselves are responsible for the challenge to your ideology by the youths of China. For 30 years you have used brutal force to suppress all opinions different from Marxism-Leninism and Mao Zedong Thought. What you have done for the sake of a single ideology is paying off in declining social productivity and stifled human vitality. This is bound to raise questions in the minds of both the young and the old who are the victims of your administration. As a rule, any existing theory is most likely, if not inevitably, to be questioned by future generations. You people who propagate and carry out Marxism-Leninism and Mao Zedong Thought have actually brought on the opposition of the younger generation to your ideology. In China, people who question the authority of Marxism-Leninism and Mao Zedong Thought are young people born and brought up during the Mao Zedong era. We as a group are taught, conditioned and directed since our birth to pledge our loyalty to Marxism-Leninism. As faithful disciples, we worshipped it blindly. Awakened now by the disappointing practices of its followers, we realize that to love our country and work for the happiness of the people, we must not lose sight of our sensibility and purpose of life. We are no longer willing to submit to the spell of this ideology which we do not understand.

We must free ourselves from ideological bondage, and let our free rationality reign. In fact, we do not want you to copy Li Hongzhang and Xitaihou (Empress Dowager), the vanguards of insensibility and conservatism. We prefer to compete and debate freely with you all as equals. But we do not understand why you want to make violent suppression of dissenters the hallmark of Marxism-Leninism. Today we challenge Marxism-Leninism and Mao Zedong Thought because we are fed up with your unreasonableness. If the existence and triumph of Marxism-Leninism must rely on bloody suppression of all opposing views, we as clear-headed youths of the 20th century are not prepared to tolerate it. . . .

There is no escape from the inevitable. The civilization of mankind is basically a pluralistic process of free explorations for competing theories, institutions and views. Why do you want to work against the historical current? Don't you feel the tremor of a worldwide indignation? Have armed suppression of the 1976 Tiananmen Incident and the suppression of the drive for democracy and human rights three years thereafter made the future of brutal force any brighter?

My fellow countrymen, the freedom and vitality generated by the May Fourth Movement had drowned in decades of darkness and autocratic dictatorship. The Chinese Communist Party which seized power under the banner of democracy, freedom, happiness and equality has replaced the old dictat-

NO UNLAWFUL ARRESTS

From *In Search of Truth*, 1 March 1979

On 23 February 1979, the sixth conference of the Standing Committee of the Fifth National People's Congress pass the "Regulations Governing Arrest and Detention of the People's Republic of China." It was a momentous event in the political life of our people.

Since liberation, the various constitutions of our country have all provided that the personal freedom and dwelling of citizens are inviolable, and that no citizen may be arrested without the decision of the people's court or the approval of the people's procuratorate.

However, at one time, especially during the rampage of Lin Biao and the Gang of Four, the inviolability of personal freedom and dwelling provided by the constitution was wantonly trampled underfoot, and China's revolutionary legal system was totally destroyed. A small handful of counterrevolutionary criminals opposed to our revolutionary legal system unscrupulously violated the citizens' civil rights of the inviolability of personal freedom and dwelling. They injured anyone they wished to injure, and arrested anyone they wished to arrest, and ruthlessly trampled on the spirit and body of all the revolutionaries and the broad masses. Many innocent people were persecuted to death, and many who had made contributions to the people suffered intolerable insults to their character. These criminals created an unprecedented great calamity to the nation of China, and the dignity of the Chinese people suffered an injury. They have left an indelible scar on the hearts of our people.

Today, the "Regulations Governing Arrest and Detention of the People's Republic of China" which has been promulgated is most timely. It upholds the constitution provisions on the inviolability of the citizens' personal freedom and dwelling, and the revolutionary legal system, the normal order of society, socialist democracy, and the interests of the broad masses. It has dealt a powerful blow to the illegal activities of all the criminal elements, cracked down on the handful of careerists and conspirators in their attempt to suppress the revolutionary movements of the broad masses by means of arrests and detentions, and smashed the criminal conspiracy

to sabotage socialist democracy attempted by the handful of counterrevolutionaries hostile to the revolutionary legal system.

Arrests and detentions directly restrict the citizens' personal freedom. They are not applicable to citizens free from criminal conduct, but only to criminals requiring arrests (or detention as a punishment). Therefore, only the strict observance of the "Regulations Governing Arrest and Detention" will truly produce the effect of hitting and punishing the criminals. If not, it will violate the citizens' fundamental civil rights of personal freedom, etc. Violating the citizens' civil rights is a violation of law, and must be punished according to law.

Therefore, only when it comes to "suspects about whom the main facts of the commission of a crime have been ascertained, who may possibly be sentenced to imprisonment or more, and whose arrest is necessary," may the people's court or people's procuratorate decide or approve the arrest. Under an emergency situation when a public security organ must make an advance arrest of "a criminal caught in, before, or immediately after the act, or the suspect of a major crime requiring arrest," such arrest must also be based on absolutely reliable facts. If not, all responsible personnel concerned of the people's court, people's procuratorate, and public security organ must take their proper responsibilities.

Responsible work personnel of the people's court, people's procuratorate, and public security organ, your responsibilities are extremely great. You must perform your work with a high sense of responsibility. Let us together uphold the revolutionary legal system and wage a firm struggle in accordance with the constitution and the "Regulations Governing Arrest and Detention" against all law violating criminal elements, so that we can defend our socialist system, uphold the normal order of society, and protect the citizens' rights of the inviolability of personal freedom and dwelling, in order to benefit our socialist revolution and construction and consolidate our stable and united, and vivid and lively political situation.

orship with a new dictatorship founded on Marxism-Leninism and Mao Zedong Thought. It is dedicated to the suppression of all "class enemies." This dictatorship, the primary cause of the outbreak of the April Fifth and the Democracy Wall movements, is set to kill our call for democracy and freedom. I ask everyone to take a look at "The Spirit of the Meeting of the Beijing Municipal Party Committee." We must choose between the realization of modernized freedom and democracy on the one hand, and a barbarous, ignorant, backward, and bleak autocratic dictatorship on the other. I am sure the Chinese people will reject autocratic dictatorship. To explore a road that will lead to modernization and prosperity, we have to be prepared in theory, personnel and material resources. What is the objective of this exploration? Are we going to evolve a non-Marxist-Leninist theory to unite the whole country, or are we going to restore genuine "Marxism-Leninism?" Are we going to stop once and for all the use of a single ideology to control the country which de-

pends on force to convince the people? . . .

Marxism is only one of many schools of thought. It has been blown out of proportion by the so-called Marxist disciples who want to dominate everywhere, prescribe rules for everybody, and eliminate all dissenting views. It is easy to register our opposition to such a tyranny in our daily life, in our emotion, and in our drive for freedom and happiness. But the profound social and historical implications of all these presage the need of a more sensible system. How are we going to do it? There are indications that people of all walks of life are ready to confront those ruthless self-styled Marxist disciples with this question: Since you claim you have the most complete and most scientific theory, why don't you let it face the public in newspapers, magazines and on television?

The Chinese people are now out of the closet ideologically. We intend to explore freely, and will not blindly follow any master plan forced upon us, including Marxism and Mao's Thought.

My fellow countrymen: What is to be done? JR7387

WHAT IS THE FU YUEHUA CASE REALLY ALL ABOUT?

From *Human Rights*, n.d.

This article was apparently published in the late winter of 1979. Fu Yuehua was later tried and convicted (see SPEAHR's editorial beginning on page 1). Additional documentation and information about the case are contained in The Fifth Modernization: Documents from China's Human Rights Movement, 1978-1979. Ms. Fu is currently serving a two-year prison sentence.

Everyone knows that Fu Yuehua, who lives on Niu Street in the Xuanwu District, was taken away from her home by the government's Public Security organ on January 18 this year. She is still imprisoned today, but, as to what crime Fu Yuehua has really committed, what is her condition today, who should have the legal responsibility for her following this road of possible crime, perhaps nobody has ever considered or tried to find out. Here, let us carry out some practical analysis and see what might have been the reason for Fu Yuehua's arrest.

I. Has Fu Yuehua Really Committed a Crime?

Everybody understands that, if a citizen has committed a crime, that citizen must be arrested and detained according to the Regulations Concerning Arrest and Detention passed by the Standing Committee of the National People's Congress and promulgated by the Public Security Ministry. Otherwise, "a citizen's personal freedom and residence are inviolable."

It is clearly prescribed in Article V of the state's Regulations Concerning Arrest and Detention: "When a Public Security organ proceeds to arrest a potential criminal, it must have in its possession a warrant for arrest and also announce to him [as to why he is being subject to arrest]. After arrest, except under conditions where investigation is to be hampered or notification proves impossible, the Public Security organ itself, the People's Procuratorate or the People's Court involved shall within 24 hours notify the relatives of the arrested person the reason for arrest and the place of detention."

On January 18 this year, when the Public Security organ arrested Fu Yuehua, no warrant for her arrest or detention was shown. This, too, was known to everyone and the Public Security organ also acknowledged this fact. From the angle of the law, this served to deny that Fu Yuehua was arrested and at the same time confirm that Fu Yuehua did not commit "a crime punishable by imprisonment or a heavier penalty."

Some people are liable to say: "Fu Yuehua was not arrested but detained for investigation." But, in reality, this reason cannot stand.

Article VIII of the Regulations Concerning Arrest and Detention prescribes that in the case of potential criminals detained by a Public Security organ who [according to law] should be arrested, facts concerning the detainee's infringement upon the law and attendant proofs or data shall within three days of detention be given in a notification to the People's Procuratorate at the given level. Under exceptional circumstances, such detention may be extended for another four days. The People's Procuratorate, upon receiving such notification, shall within three days approve or disapprove the arrest thus proposed.

We can see from the above article and its various sections that within ten days at most of detention, a detainee should receive notification as to whether or not he is to be arrested; and if he is arrested, then his family should be able to receive

the notification within 24 hours. Otherwise, he should "be released forthwith."

It has been more than 40 days since Fu Yuehua was taken away from her home. But Fu's family has not received any notification. This means that she has never been arrested, nor detained. The fact that she has been, nonetheless, put in prison indicates that her imprisonment is imprisonment of a form different from what is included in the prescriptions of the regulations in question.

In the past, Public Security organs were used to trot out incriminating designations such as "detained for investigation" and "taken in for investigation" so as to put certain people in prison. In reality, this was tantamount to stealing Qin Kuai's practice of fabricating "No Incriminating Designation Is Needed" as such a designation so as to put people in jeopardy. If, simply because there seems to be certain suspicion about a certain person, and then, in the absence first of all of any investigation, and secondly of any examination, and thirdly of any proof, that person is thereby directly put in prison, it would mean that any citizen is liable to be put under such suspicion and, because of that suspicion, to be put in prison. If this is the case, then, what meaning of substance could still remain in the Regulations Concerning Arrest and Detention thus prescribed? What citizen's rights and personal security could there still be in our country?

True, according to the people of certain units, "Fu Yuehua has climbed over the wall to enter a certain foreign embassy," or that she "has had sexual relations with foreigners," and we, therefore, cannot exclude the possibility that she may have committed such transgressions. But, if we are going to say that she has actually committed such transgressions, then there must be indisputable proof to verify them, and even proof obtained through secret listening or through photography should do. If these transgressions are thus proved to be true, then she should be immediately arrested and put to public trial in the interest of the law. But, even to this day, as Fu Yuehua's family publicly vouches for her that she could not have committed those transgressions, the Public Security organ involved, insofar as we know, has still failed to present any powerful proof to indicate otherwise. This means that the above-quoted way of conveying the matter has remained but a rumor or can be said to be simply a slander. Relying merely on things like these can hardly produce the conditions necessary for arrest and detention.

Some people may possibly say that we have not necessarily arrested or detained Fu Yuehua, but that we have only tried to carry out Article XIV of the Regulations in taking her in and thereby investigating her.

Article XIV of the country's Regulations Concerning Arrest and Detention prescribes that the administrative penalty carried out in the form of detention by a Public Security organ in respect to a violation of the regulations of public security control is not an application of the prescrip-

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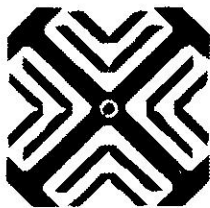
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tions of the present regulations.

This is a special article, whose prescription suggests that, even though a citizen has not committed any crime, so long as he violates the regulations of public security control, he is also liable to be given an administrative penalty in the form of detention. But in what way may a citizen be considered as having not violated those regulations? In other words, on the basis of this article, it is possible to have an otherwise innocent citizen imprisoned for long periods of time.

But, can Fu Yuehua's long-term detention be [passage illegible] on the basis of this article alone? It most certainly cannot!

Although the article explicitly prescribes the possibility of an "administrative detention," we should see that this prescription, in principle, excludes the fact that the citizen has committed any kind of crime. This is to say, the citizen, under such circumstances, remains in the condition of an "internal contradiction among the people" and his case has not escalated to become a "contradiction between the enemy and ourselves." And according to the policy of the party, only methods of "education and persuasion" should be adopted to "treat this type of contradiction" and not "the iron hand of the proletariat."

As far as we know, Fu Yuehua is at present detained at No. 2 Branch (1, Gongdelin) of the Reception Depot of the Public Security Bureau of Beijing Municipality. In this honorary Reception Depot, she has been subject to both the soft and hard kind of forcible interrogation for a confession. At one time, she was beaten all over and had to be carried back to the depot on a stretcher. How are we going to explain such a happening? Can this still be merely called a "reception" or an administrative punishment in the form of detention? If so, then what kind of treatment would a real potential criminal who is detained after arrest receive? Detention effected as an administrative punishment requiring the use of a penalty of the kind administered by a dictatorship: how are we going to understand this question?

On the other hand, how did Fu Yuehua actually violate which article of regulations of public security control so that

she became such a detainee?

As far as we know, except that Fu Yuehua has participated in a number of appeal visits to agencies at the superior levels, she engaged in activities centered at the Xidan Democracy Wall, has written some wall posters, has joined the January 8th demonstration against hunger, against persecution, and for human rights, she has not done any other illegal thing—could this fact have been responsible for her detention?

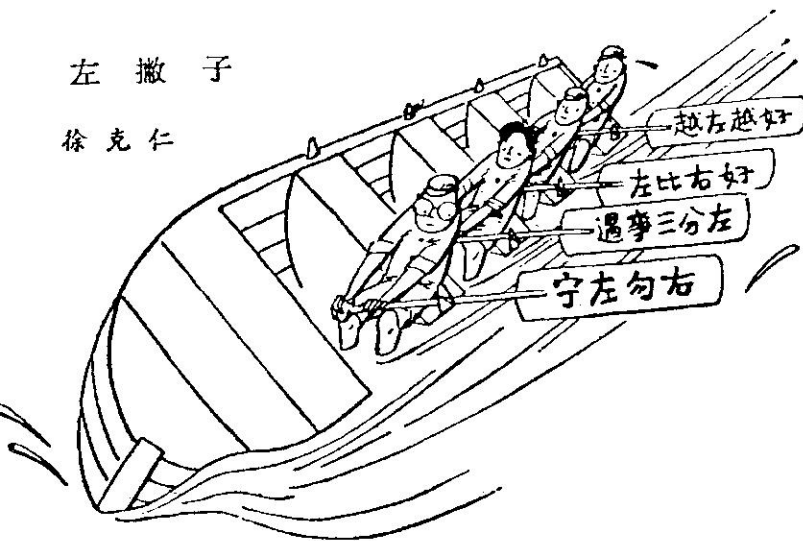
If this fact alone was really responsible, then it is understandable because a certain potentate of Beijing has said: The Xidan Democracy Wall mars the appearance of the city and hampers public health, and demonstration harms stability and unity, therefore to detain a Fu Yuehua becomes "forthright in name and justifiable in words." Not only so, it might not be a bad idea even to detain all those who have participated in the democratization activities at Xidan or throughout the country. But, we must point out, this so-called "forthright in name and justifiable in words" should have been a "forthright in name and justifiable in words" in the absence of the Constitution and relevant articles of the law! When such action is carried out, there should have been explanation. That is to say, it is necessary first to deny the existing Constitution and the spirit of Vice Premier Deng's talk on "no prohibition" in such cases. Otherwise, the name cannot be forthright, nor the words justifiable.

It can be seen from the above that the reason Fu Yuehua was taken in was not because Fu Yuehua had really committed any unforgivable crime, and the various rumors passed around were only designed to create a false image of criminal behavior based on "No Incriminating Designation Is Needed" and hence to provide a pretext for one's own illegal kidnapping. But we should point out: whatever pretext may have been found, such behavior cannot but be against the spirit of the country's Constitution and articles of current law, cannot but be a case of going back on one's own words, and cannot but be a case of law administrators turned into law violators themselves. Therefore, there must be a conclusion about Fu Yuehua—either arrest or release. Otherwise, where is our

(Continued on page 50)

左撇子

徐克仁



Lefties. Captions on oars: "The more left the better," "Left is better than right," "Treat matters with 30 percent leftness," and "better left than right."

Cartoon by Xu Keren. From Shanghai Wen Hui Bao 7J79, JR4430.

Where Is the 'Housing Plan'?

According to a New China News Agency report, houses built during the year increased by 31 percent as compared with last year. Judging from the figures, we know that the area of our residential district has been enlarged. We would like to put forward this question: How have the houses been distributed? How many houses have been given to the masses? According to our understanding, the area of housing construction in this municipality has increased by a relatively big margin. However, the newly built houses have been basically distributed among departments directly under the central authorities and the State Council. Only a very few newly built houses have been given to the ordinary citizens.

—Exploration, October 1979, JR4532

The Problem of Ambiguous Laws

By Xiao Min

From *April Fifth Forum*, 11 March 1979

Recently the party Central Committee decided to remove the label on the four kinds of elements. It is a momentous strategic policy for the purpose of hastening the realization of the Four Modernizations. Just think: In the past, we tackled class struggles everyday, artificially created such struggles, and competed in the number of class enemies seized. But today, we want to enlist even those so-called true class enemies into our camp, so that more people (here, it is not merely the four kinds of elements themselves) will gain emancipation and vigorously pursue the Four Modernizations. What a tremendous change! And what a wise policy!

However, similar to the fate encountered by the many policies promulgated by the party Central Committee after smashing the Gang of Four, though the policy under discussion is good, it will become an entirely different matter when enforced by the lower level. "Seeking the truth from the facts; correcting any mistakes." Is it good? It is. Yet what happens when it is enforced? The comrades living in the basic level know it best. Everyone deeply feels that, no matter how good the policy, once it gets to the "lower level," there is always a way "to make the thing serve myself," depriving it of its original intent. It is the reason why, even now, some people cannot arouse their energy or acquire any confidence, and why some young people, even now, are still unwilling to return to this "wordly society."

Then, why does the "lower level" dare to do so, and how can it do so? The reasons may be many. For instance, the powers may be over-centralized. Combining the powers of the party, the government and the enterprises into one is an important reason. However, this writer feels that, prior to the reform of the systems, the "superior level," from the angle of policy formulation, can, to a certain extent, curb the insubordination of the "lower level."

Therefore, when formulating policies, the wording must be accurate, using scientific language and standards, instead of daily life terms and literary language which tend to be ambiguous.

For instance, the decision on removing the label from the four kinds of elements reads: Except for those of a very small number who persist in the reactionary standpoint and who have failed to reform properly until now, all the landowner, rich peasant, reactionary and bad elements who have, for many years, obeyed the laws and decrees of the government, performed honest labor, and done no evil deed, after evaluation by the masses and approval by the revolutionary committee, will have the label removed and be given the same treatment as members of the people's commune.

1. "A very small number." Any number can be simultaneously small and large. Therefore, the terms "large number" and "small number" cannot accurately express the numerical concept. Our policies are, in fact, "laws" to be enforced by the "lower level." The solemnity of laws requires that the regulations and articles be worded scientifically, accurately

and rigorously, so that there are no loopholes and no way to interpret them subjectively. When such simple daily life words as "large" and "small" are employed in a document with the force of law, it will only furnish the openings for some people. It may even lead to confusion! An individual can arbitrarily compare a "number" under his control against a "number" selected by him and come to the conclusion that it is "a very small number." Furthermore, it is a document, and not a work summary. In an area or a unit, there may, or may not, be the four kinds of elements requiring continued supervision and reform. Since we must start from reality, if there is, there is; if there isn't, there isn't. Then, what is the point for the "number?" By "a very small number," is it the conclusion after a comprehensive investigation of the manifestations of the four kinds of elements in the entire country? Or does it come from the habitual way of drafting policies in the past?

Since an area or a unit must start from reality, is it not contradictory to use the term "a very small number?" The document defines the kind of individuals (the range) and the qualification required for the removal of the label. Yet the term "a very small number" confuses the issues of range and qualification. To limit the exceptions to "a very small number," we may have the situation of keeping the label on qualified individuals and removing it from those not qualified (theoretically speaking). If we want to start from reality, we cannot have "a very small number"; if we want "a very small number," we cannot start from reality. Thus, the lower level can enforce it whatever way it wishes. If someone should appeal a decision, those in charge in the lower level may say: "You are one of a very small number, and we only attack one!" Or, they may say that this "very small number" is in terms of the entire country. I feel that this is because for many years, those in charge started from concepts, theories, ideology and conclusions, and not from reality. The document, in its general spirit, starts from reality, and was drafted by starting from the objective reality of the four kinds of elements who have reformed and for the purpose of reversing the "bad old practices" created by the theory of the eternity of the class struggle. However, the contradictions in wording resulting from the subjective, idealist and metaphysical matters in the mind of the leaders concerned when discussing the document might have created certain troubles in practical work.

2. "Obeying the laws and decrees of the government, performing honest labor and doing no evil deed." The wording and standard are both extremely ambiguous, and anyone may interpret it arbitrarily and give it his subjective meaning. What is honest and what is dishonest? What is a good deed and what is a bad deed? It is not accurate legal language, nor an accurate objective standard. The same incident of the same individual may lead to two different conclusions. For instance, when a landowner element has many contacts with the young intellectuals and gives consideration to their living, it is a good deed. But people may construe it as corrupting and

soliciting and as fighting against us for the young people. Haven't there been many instances of such confusion in recent years? Haven't the people suffered much on this account? Haven't the losses been great? The flexibility of "obeying the laws and decrees of the government" is even greater. Our legal system is not sound. Though there are thousands and tens of thousands of four kinds of elements undergoing supervision and reform among the masses, actually the government has not promulgated any explicit law governing their reform. As far as they are concerned, the law is that anyone having authority over them may make "demands" on them; the "demands" are the law, and represent the government and the proletarian dictatorship. Thus, it also serves as the standard to determine his honesty or dishonesty. Therefore, very few of the four kinds of elements in the past were considered honest. The article entitled "Why Did She Commit Crimes?" in the 20 February issue of *Beijing Daily* is very enlightening. To avoid avoid resisting the spirit of a document by distortion, accurate scientific terms must be used in its drafting.

For instance, it will be much more accurate in expression if the phrase "obeying the laws and decrees of the government" is clarified as follows: "In the most recent 10 years since being labeled, [the subject] has not violated any of the written laws promulgated by the state or encountered legal sanction."

"Honest labor" may be clarified as follows: A commune member whose work is at the same level as others, whose annual attendance rate is not lower than other commune members, and whose quality of work is up to standard; or a working person who has not been absent from work without cause, who fulfills his work quota without producing rejects, and who has not violated labor discipline. (Absences due to illness certified by a physician or by the brigade excepted.)

3. "Persisting in the reactionary standpoint, and failing to reform properly." When there is no concrete provision, how can it be determined whether or not an individual is persisting in the reactionary standpoint, and whether or not he has properly reformed?

Now everyone is complaining about the middle-level cadres. Actually they have their difficulties. A document like this can be interpreted in different ways, and the initiative rests with the superior level. Hereafter, whether it is too left or too right, there is always an explanation. On the other hand, when the provisions are clear and scientific, the lower level will be able to follow them.

Vagueness and ambiguity have created chaos on the ideological and political fronts and brought us great disasters. The source came from Mr. Mao Zedong and Lin Biao, and the Gang of Four took advantage of the loopholes. The condition reached the peak in the Great Cultural Revolution. Politics is also a science, and following one's own way won't do. Though not as apparent as in the natural sciences, the detrimental effect is grave. Have we not reaped what we sowed? On the other hand, our common people must promote science and refrain from superstition. Comrade Mao Zedong's class struggle theory will not be able to withstand conscientious scrutiny, except that he had great power at that time and was a great man; therefore, no one argued with him. If, similar to some countries, we could write articles or hold interviews with him, then his class struggle theory would not withstand a few questions. To a large extent, the calamities encountered by the Chinese Communist Party and the nation of China in the recent decade were because Mao Zedong, in his late years, lacked a scientific mind and his thinking became rigid, while he occupied a high position and considered his own words

NEWS FROM THE PRISONS

By Mu Mu

From *Exploration*, October 1979.

According to reliable sources:

1. Wei Jingsheng and Yang Guang are both locked up in small cells (housing one to three people) in the Beijing No. 1 Prison. The reason for this is not clear. It is probably out of fear that they will "radicalize" the other "prisoners."

2. Democracy fighter Fu Yuehua has already been transferred from the Gong De Lin Prison (the Beijing No. 2 Prison) to the Beijing No. 1 Prison. (The transfer was carried out on April 3, this year.)

3. Zhang Wenhe, former member of the "Human Rights League" but who later withdrew to join the movement of petitioning for redress, was arrested by the Beijing Municipal Public Security Bureau in March and charged with seriously interfering with and sabotaging public order. He is also imprisoned in the Beijing No. 1 Prison. During the suppression of the democracy movement in China last April, the Beijing Municipal Procuratorate prosecuted Zhang Wenhe at the Beijing Municipal Intermediate People's Court and intended to have him sentenced to prison. However, since the tide of the democracy movement was not subdued because of the suppression but has gradually risen, the case was again put aside.

4. The arrested "four major student leaders," Nie Yuanzi, Kuai Dafu, Wang Dabin and Tan Houlan have refused to hang their heads and admit their guilt. They said that everything they did was done under Chairman Mao's instructions and that they were defending Chairman Mao's revolutionary line. In addition, they can accurately blurt out without fail all Chairman Mao's talks with them and all instructions which Chairman Mao gave them. JR4532

and ideas imperial edicts to guide the party and the state. After smashing the Gang of Four, we must bring order to the chaos, make a complete overhaul and launch a new long march. We must open our own path, and the abuses of the past, regardless of the realm they were in, must be negated and criticized; they must not be inherited.

In recent years, we have suffered from the unsoundness of the legal system. Currently, though we talk about making sound the legal system day in and day out, it is much thunder and little rain. In regard to things which can be done, why don't we do them immediately? Removing the label for the four kinds of elements, for instance, is an undertaking to realize the "legal system." The National People's Congress should pass the law for enforcement by the courts of the various levels. Acting on behalf of the judicial department by the administrative and government departments is a manifestation of the unsoundness of the legal system to begin with. Though the courts of the various levels have not been made sound, why are they not permitted to perform the work within their jurisdiction instead of "evaluation by the masses and approval by the revolutionary committee?" Everyone living in the basic level knows what "evaluation by the masses" means. It may be better for the work personnel of the courts to poll different individuals and clarify the conditions.

Some people may accuse me of nitpicking. But one should understand the spirit of the party Central Committee. It is to remove the label for everyone. So it should not be so worded in the document as if there is still a "a very small number" "failing to reform properly!" Is it indeed so? That is even further from the true attitude of a materialist. JR3922

SCIENCE AND DEMOCRACY

People's Forum Commentator

From April Fifth Forum, 30 December 1978

Note: People's Forum was one of the groups which merged to publish April Fifth Forum.

In the several thousand year feudal history of our country, precisely what role did the people play? One feudal dynasty replaced another. Each sovereign declared, "I am the state." But the people remained in bondage throughout.

What hurts people very much is that following the establishment of New China, this feudal system was not thoroughly purged. Some unauthorized "representatives" continue to represent the people. Some self-styled Marxists just take the most basic things in Marxist theory of the state and change them around so as to supervise and run the country directly. These people do not smash the old state machinery; they preserve and develop it under new forms. This is how the so-called "dictatorship of the proletariat" has come at a particular time and in particular spheres to dictate to the people. This is the historic reason that clowns like the Gang of Four could

perform in the role of "heroes" on the Chinese stage. This is at once a comedy and a tragedy. A comedy because in this age of computers the fatuousness of feudal emperors coexist with computers. A tragedy because in the seventh decade of the twentieth century people are suffering as much as they did several thousand years ago. Now is the time to purge all of this!

Our China is a place of origin for mankind's civilization. Our ancestors contributed countless gems to mankind's scientific treasury. No doubt these advanced the progress of mankind's civilization, but how much did they help those who reside on this plot of soil called China? We discovered gunpowder, but we really tasted the terribleness of gunpowder when imperialist cannons broke open our tightly locked old front door. We discovered the compass but appreciated its effectiveness only after imperialist ships stood in the Huangpu River. We discovered the technique for making paper, but while we were still leafing through old books printed on grass paper, the Europeans were already using fine quality paper to print "encyclopedias." Is it that we Chinese are stupid? The earliest dialectic methods glinted in the works of the philosopher Zhuang Zi, the Pythagorean theorem was already in use during the period of the Warring States, and airships from fertile imaginations appeared on paper. Celestial bodies and the use of meridian lines, it has been determined, were already well understood in the Han Dynasty. But why didn't these sciences take root, find use, and develop in China in the same way they found wide use among foreigners? Why is it that Chinese in China show few accomplishments yet earn Nobel prizes once they have gone abroad?

All this demonstrates the truth that the production and development of science requires a definite kind of soil and that soil is democracy. Had there not been a reform movement under the Emperor Meiji, science could not have taken hold in Japan either. People often look for outside explanations for Japan's revival and our backwardness, but internal reasons are always the most important determinants in anything. Kang Youwei and Liang Qichao also knew in the Qing Dynasty that without constitutional reform and modernization it would be next to impossible to become strong. The first torch lighted against the black sky by the youths of the May Fourth Movement, who had had their full share of repression in the feudal society, was "science and democracy." Today in the process of carrying out the Four Modernizations, it is "democracy and science" that still leads our march forward. History tells us that without democracy there can be no science, and without science there can be no democracy! . . .

Accompanying the development of productive power and great changes in production relationships will be the inevitable demands for political change that will be generated and that will become stronger and stronger as time goes by. If anyone supposes that production forces can achieve great development under the old production relationships, he is only dreaming. As a prerequisite to the Four Modernizations ideological modernization and political modernization are imperative. Otherwise, in a soil thick with feudal ideology, not even bourgeois modernization could take place! We Chinese will always remember the words left us by the Paris Commune: There has never been a savior of the world, so do not depend on supernatural beings or emperors. The creation of mankind's happiness depends on us ourselves! JR3787

CONSERVATISM AND PROGRESSIVISM

It has been an established practice in China that no radical change can be easy, because anyone trying to carry it out is bound to be denounced or attacked by the conservatives. These people, who are totally incapable of introducing any reform, can, however, make good jokes of the reformers. In their opinion, "big mouths," "long hair," "dance parties" and foreign movies are terrible indeed!" In fact, sartorial appearance is only a matter of personal taste and does not deserve violent denunciations from party cadres or government officials, because they should have far more important business ~~on hand~~. Of course, we do not share these fads, but the question is "will the prohibition of 'big mouths,' 'long hair,' 'dance parties' and so forth insure all-round peace?" If so, such action is certainly good. But these are trivial matters or at most the reflection of some political ripples. Their prohibition cannot solve any basic problem. We must set things right at the source before we can eliminate chaos and restore order. The vast majority of Chinese youths are active and forward-looking, and the future of China is rosy. We request the conservatives to quiet down and let the reformers act boldly for a few years. In this way, the realization of the Four Modernizations may be accomplished in China at an earlier date. There may be certain mistakes when these reformers work vigorously, and the conservatives can certainly point out these mistakes. We may say that people with perceptive eyes are urgently needed. For example, have not practical experts accurately pointed out that the present problem is to adjust and not to be hasty in getting "big results?"

—From April Fifth Forum, 1 April 1979, JR3987

'Sober Somniloquy' on Publishing Unofficial Journals

From *April Fifth Forum*, 11 March 1979

Concealing the state of the nation from the people is depriving them of the right to speak on the running of the country. If we truly desire democracy and make the people the masters, we must not practice deception. Yet, the information reported in our newspapers and various kinds of documents are only a very small part of what the people have the right to know, and even then it is not all true.

As the newspapers are directly controlled by the government, suppressing unpleasant information has almost become the rule. To put it more exactly, the state of the nation is not reported objectively. The newspapers have the obligation to make periodically full reports to the people on the output of the various products in the national economy, foreign trade, communication, finance, market, public order, natural disasters, circulation of the various kinds of publications and newspapers, etc.

Furthermore, the people must understand the political, as well as the economic, situation of the state. Today, it is difficult for the common people to know the views and plans of our leaders on running the country. The various normal differences of opinions inside the central government should be revealed to the people for their evaluation. Did not Wang Dongzong [3076 2639 5281] and We De [0702 1795] become the targets of public censure when their "brilliant idea" on the Tiananmen Incident was revealed to the people?

The people's power of discrimination is excellent. Machiavelli, a philosopher of the Middle Ages, once said: "The conduct of the politicians relying on moral people will be better than that of those relying on people who are indifferent to moral issues, and any criminal act committed by them will become widely known in society, which is better than in a society under a strict inspection system controlled by them." Some people object to making conditions public on the grounds of

the necessity of secrecy. What necessity of secrecy? Everyone has secrets. One has to wear swimming trunks in the swimming pool! But if you cover your entire body, including even a veil on your face, then you probably have boils all over you! Actually, it is no use to cover up. You probably will get well sooner if you get some sunshine!

If we wish to realize control of the country by the people and give them the right to speak, while the bases for their speech are withheld, how can we convince them that we really wish for them to speak? When some leaders shout the slogan of democracy yet refuse to reveal the actual conditions of the state, thus withholding the premise of democracy, is it because they also wish to be a Lord Ye [professing love of what they fear]?

A Humble Opinion on Running a Newspaper

The newspapers in China today are all run by the government. Every article and every view are by order of the government. It is impossible for the views of "common people" without the approval of "authoritative" figures to be published. However, truth always appears in an unorthodox form. "Authority" comes from true reason, but vice versa, reason does not come from authority. (Yilijina).

The Democracy Wall undertaking has the attention of the whole world, because it was completely spontaneous, not manipulated by anyone, nor controlled by the spirit of a superior. Nevertheless, the range of its influence is limited and not enduring, while the various kinds of publications appearing on the street recently have an unlimited future. Their development will be extremely beneficial to the democratic movement.

Ideas on a Newspaper Run by the People

The various current publications should form an editorial department with scheduled elections. The government may send delegates, and their authority consists of having access to the inside information on the running of the newspaper; making recommendations to the government, and also to the newspaper office; making sure that the publication does not reveal state secrets which should not be revealed as provided by law; forbidding the publication of personal attacks and pornography; guarding against embezzlement of profit made by the publication. Meanwhile, the government should furnish printing presses and paper supplies to the publisher. It will constitute the distinction between the socialist true democracy and the capitalist false democracy as discussed by Lenin.

Manuscripts from the people of all fields should be treated impartially.

It is preferable for the form of the publication to be weekly or semi-monthly. The main office should be established in Beijing, with agencies in other areas. Individuals may either subscribe to it or buy individual issues.

The people should raise the operating funds themselves, seek government loans, and be responsible for the profit or loss. After repaying the loan for the equipment furnished by the state, the publication should pay the required taxes according to schedule.

The foregoing opinion serves as something to attract the valuable views of others. I hope that men of insight will join forces, adding prestige to democracy and giving voice to freedom.

JR3922



Modernization. Engineering student: "Aren't you going to night school to study modernization?" Dandy: "I am already modernized from head to toe!"

Cartoon by Xu Keren. From *Liberation Daily* 11A79, JR4430

DEMOCRACY WALL AND SOCIALISM

By Zhou Xun

From *April Fifth Forum*, 1 April 1979

Feudal society existed in China for thousands of years. Throughout all these years, feudal autocracy fettered people's minds. History has certainly left many fine traditions for the Chinese people . . . but it cannot be denied that Chinese people have also inherited many evils. Their endurance and submissiveness are something rare in the world, but such qualities are subject to the law of "one divides into two." It has merits as well as defects. Among the merits are the willingness to swallow humiliation and to bear a heavy load, the submission to discipline, self-sacrifice and consideration for the overall situation. Among the defects is the tendency to encourage autocracy. For a long time, people did not know that they alone could emancipate themselves and, therefore, had no faith in their own ability. Instead, they attributed their own happiness or misery to some other person. In a feudal society, when peasants longed for better days, they prayed for a "real son of heaven" to bring people happiness, or for an official of high integrity like Lord Bao to redress their grievances. In the people's minds, the "upright official" has become an image with promises and happiness. In the past 100 years, the rule of imperialism, warlords and the Guomindang have been all along a form of autocracy with no democracy whatsoever to speak of. Chiang Kai-shek was a substitute for an emperor, and under his one-party dictatorship, human lives were no more valuable than grass. Since the May Fourth Movement, the Chinese people have longed for democracy and freedom. They were only in the preliminary stage of awakening and vainly striving for them.

The communist party was denied its legal status as soon as it ascended the political stage. It had only a long experience of armed struggle, but did not know how to take advantage of a democratic platform and lacked the experience of legitimate democratic struggles. Therefore, it had no real understanding of the importance of democracy and its role. It mobilized the broad masses in the countryside, and this decision was consistent with a certain backward way of thinking. Peasant movements in history had attracted mass support invariably through the "help" of gods, heaven's will, heaven's decree, religion or certain individuals. To meet the needs of the struggle in the countryside, the party allowed the masses to place their hope on itself as the "big savior" while it was setting up its own leadership. It was on such a basis that the leader was deified and that was how the "big savior" came to substitute for the "real son of heaven." Thus the ideas that "there has never been any savior" and that "we can only rely on ourselves instead of gods or emperors to emancipate ourselves" as sung in the "Internationale" have all along failed to take root in the people's minds. In the 30 years since the founding of the People's Republic, we have talked about "people as the masters of history" in our political life. But are they real masters or nominal masters, or in fact lackeys?

It will not be difficult to find the answer if we will only review the situation of the Cultural Revolution. During the Cultural Revolution, whatever was said by the Vice Commander and the Cultural Revolution Group under the

Central Committee, particularly the "saviors" like Jiang Qing, had to be unconditionally following the masses of lackeys. Whenever they gave any hint of "Grasp!" "Criticize and Struggle!" people would have to rack their brains in order to read "the leading cadres' mind" and then "followed closely." Attacking any person by name was tantamount to giving him a death sentence. Have we not decided everything according to the "superior's will" or gone through such political experience as "act accordingly whether or not you have fully grasped its significance?" Then what rights did the people possess? It was under such circumstances that cruel masters like Lin Biao and the "gang of four" appeared to rule people's lives and inflicted untold misery on us. In reviewing this "painful process," have we not learned a lesson at the cost of our lives, blood and tears? Is it not quite clear that people's real democracy is very important and that people's emancipated minds and independent thinking are the prerequisites for them to be their own masters?

However, even now, people have the habit of believing in the "savior" instead of themselves. Just look! Are there not slogans in the streets demanding the dispatch of work teams to emancipate us, requesting so and so to take charge and hoping that Upright Official So-and-So will speak up on behalf of the people?

Thus it can be seen that the prerequisite for the realization of democracy is the people's awakening and the emancipation of their minds. Without this prerequisite, democracy cannot be realized. Those who have no need for democracy at all and are habitually submissive lackeys actually do not know what to do with democracy even though it may be bestowed on them as an act of grace from above. To put it more bluntly, they are like Jie Gui [6328 2710] who, when told to sit down, said: "We lackeys are accustomed to standing." . . .

Democracy is a means, not an end. At present, the purpose of democracy is to concentrate various forces to serve the four modernizations. Without the four modernizations, nothing can be accomplished. This concerns the most basic interests of Chinese people, and democracy cannot deviate from this orbit. Furthermore, the realization of the four modernizations also provides a material foundation for people to emancipate themselves. If people cannot free themselves from poverty and backwardness, democracy cannot be realized, because what practical purpose could be served if people can only talk about democracy with an empty stomach?

On the other hand, however, democracy is a prerequisite for realizing the four modernizations, because without democracy, how can there be modernization? If people's enthusiasm and initiative are not given full play, and if everything has to be done according to the superior's will, while the masses can only passively obey, can you imagine what kind of modernization it will be? Thus, we can see an inseparable relationship between democracy and the four modernizations. Only when people are really masters of themselves can the four modernizations be within each reach. . . .

People should have the right to elect their leaders to represent the people's interests and lead them forward. At present, the first requisite is to allow people to air their feelings, or to give them the right to make their own voice heard. For this purpose, I am going to present several specific problems as follows:

First, although Democracy Wall as a form of expression of people's opinion has not been prohibited, it has not received any open support from the leaders either. Is this a good thing or a bad thing? There may be certain worries among the leaders. First, they are afraid that stability and unity would be affected with unfavorable results for the four modernizations. But the relationship between democracy and the four modernizations should be correctly understood. . . . Stability and unity do not mean a stagnant pool. The so-called stability in a situation where "all sounds are hushed" is not real stability. It does not necessarily mean unity either.

Secondly, they are afraid that there may be disorder and that the situation may get out of hand. They are also afraid of the outbreak of anarchism. In fact, this fear is not justified. They should believe that the overwhelming majority of people have a high level of consciousness. Everyone should by now understand what "disorder" means after tasting the bitterness of the so-called "causing disorder among the enemies and tempering ourselves." The majority of people have learned the hard way from the disorder instigated by the gang of four. As long as the overwhelming majority disapprove it, no "disorder" can assume serious dimensions.

Third, they are afraid that the masses may be manipulated by bad people resulting in demonstrations against and rejection of the current system. This is only a sign of distrusting the broad masses. It is inevitable that certain bad elements are among the masses at all times, but the question is whether or not these bad elements can manipulate the masses and influence the general orientation. Is it really so easy for some bad people to mislead the broad masses? The political power upholding truth will receive mass support. So why be afraid of some individuals making trouble? Furthermore, what about the strong organs of dictatorship?

Fourth, they are afraid that foreign correspondents will read the big character posters, report the news and produce

SELF PORTRAIT

By Xing

Since I began to observe people coolly,
Nothing on earth has stirred my emotions.
Reality is not what I have pictured it to be
Nor can it shed any light on my gloomy soul.

When I summed up the experiences of life,
I gradually lost my poetic innocence,
For a society in which black is called white
I no longer have a light heart to play my fiddle.

From *Enlightenment*, 29 January 1979

unfavorable effects. This worry is also uncalled for. When Chinese people express their views, even though including isolated antisocialist statements we can let the foreign press publish even the original text if they so please. But can this shake socialism to its very foundation? If socialism could be so easily shaken that it could not stand the least opposition, then would the situation not be hopeless? The so-called "do not wash dirty linen in public" and the policy of "cocooning oneself like a silkworm" which are deceptive as well as self-deceiving should be changed. Actually, in the whole world, is there any country where there are no dissenting voices? Why should this cause any alarm? As to certain individuals who carry on contacts with foreign embassies, admire the capitalist system and want to go abroad, there is nothing terrible about it. China has now a population of 1 billion; what difference would a few runaways make? If they want to go and the foreign country is willing to accept them, let them go. There is no need to lable them all as "betraying the country and going over to the side of the enemy." [Pianist] Fou Tsong has already left; but isn't he thinking of returning? If there are actually individuals carrying on illicit relations with foreign countries, serving as spies and jeopardizing state security and secrets, then arrest them. We must believe that the vast majority of people are patriotic. To us, the motherland is like a mother. Though she is poor, we still love her. The vast majority, including overseas Chinese, are patriotic. Most foreign correspondents are friendly and only a minority of them are antagonistic to China. So why worry? . . .

• • •

The CCP Central Committee was correct in attaching great importance to the question of the countryside. The question of peasants is a very important one and cannot be overlooked. Peasants make up 80 percent of the whole population and number over 700,000,000. Aside from the low productivity of agriculture, the problem of democracy is the most serious one. People throughout the country want democracy, but peasants need it even more badly. To them, democracy means not only political democracy, but also economic and production democracy. Democracy is essential in doing away with the blind commandism by leaders of the feudal overlord type in the countryside. Some comrade in the rural area said: "Experience in the past twenty years has shown that whenever the county or commune leaders did not pay close attention—or paid no attention at all—to our work, production increased. Whenever they kept a tight control, blind commandism prevailed and production dropped. If the peasants can truly be their own masters, I can guarantee that in only a few years, there will be a new look in the countryside." Even though these remarks do not refer to the overall

Rehabilitating Mao's Neighbors

Mao Zedong was born in Xiantan County, Hunan. However, many of his neighbors appear to have lacked his political purity. The following fell victim during the indicated political campaigns:

Mao Che-fu (county magistrate), 1957 anti-rightist drive.

Yang Taining (Trade union vice chairman), 1957 anti-rightist drive.

Liu Yaqiong (former court president), 1957 anti-rightist drive.

400 rightists (apparently 1957 also).

280 bad-family-background cases (Socialist Education Campaign of the mid-1960s).

270 teachers (various movements).

On February 2, Hunan radio reported that the three officials, 270 of the rightists, 123 of the family-background cases, and 248 of the teachers have been rehabilitated (many doubtless posthumously). 1979 †8

situation, they do present a true picture of the situation in many areas.

It is suggested that a vigorous campaign be carried out on democracy and its popularization in the countryside. The peasants should be allowed to be truly their own masters. Provided it does not affect their work or study, proletarian intellectuals in the cities, such as teachers and students, can go to the countryside during the summer vacation to do some propaganda work so as to convince the peasants of the need to emancipate their minds as well as themselves and to turn them into a tremendous force for modernizing agriculture.

• • •

In the democratic torrent, certainly many different kinds of people may appear. However, we must believe that the majority of them want democracy for the purpose of realizing the four modernizations. We should let the masses speak freely about good things as well as bad things, about acceptable as well as unacceptable ideas, and about their agreement as well as their disagreement. They sky will not cave in simply because they are allowed to talk. Keeping them quiet, on the other hand, does not necessarily mean that all is well. To speak is itself not an end, because its ultimate purpose is to provoke ideas and to discover methods for the four modernizations by arousing their enthusiasm in acting as their own masters. Anyway, we should let people talk and listen to them. As to the small number of people abusing their democratic rights and creating disturbances in disregard of the overall situation, or the basic interests of the state (like some people in Shanghai who recently insisted on returning to the big city) this is still no cause for alarm. As long as we lay out the facts and reason with them, the masses will be able to differentiate between right and wrong. Therefore, it is necessary to distinguish between the main current and the side issues in the matter of democracy. We must not negate the main current and the general orientation because of the side issues.

In our long history of suffering, the misery of our nation and our people is beyond description. In the past century, there was hardly any imperialist power that did not bully us. At present, Soviet imperialism is threatening us while even Vietnam is trying to bully us. Why can't we become wealthy and powerful? We want democracy, science and prosperity. This is the most urgent demand from the overwhelming majority of the people. If a billion people are united as one, the four modernizations can certainly be realized.

"Long Live People's Democracy!"

JR3987

"It certainly is not a good thing when a person makes a mistake. But should we beat this person to death with a club? Obviously not. Everyone makes mistakes. . . . Lenin put it best when he said that there are two kinds of infallible people: the dead and the unborn. . . .

"Even if a mistake is due to a fundamentally wrong standpoint, it. . . should not be called 'counterrevolutionary' unless it amounts to sabotaging the Party, or undermining socialism. It is all very well to criticize error, but suppression is another matter."

—*Liberation Daily*, 25j, JR4368

"As for those holding differing opinions, we should only hold discussions and lay out facts. . . . The truth has not always been on the side of the majority. [Prosecuting people for ideological offenses] demonstrates that we have confidence neither in the people nor in Marxism. . . . The key point is to distinguish thought from behavior. . . . Thought and speech cannot be the basis for judicial punishment."

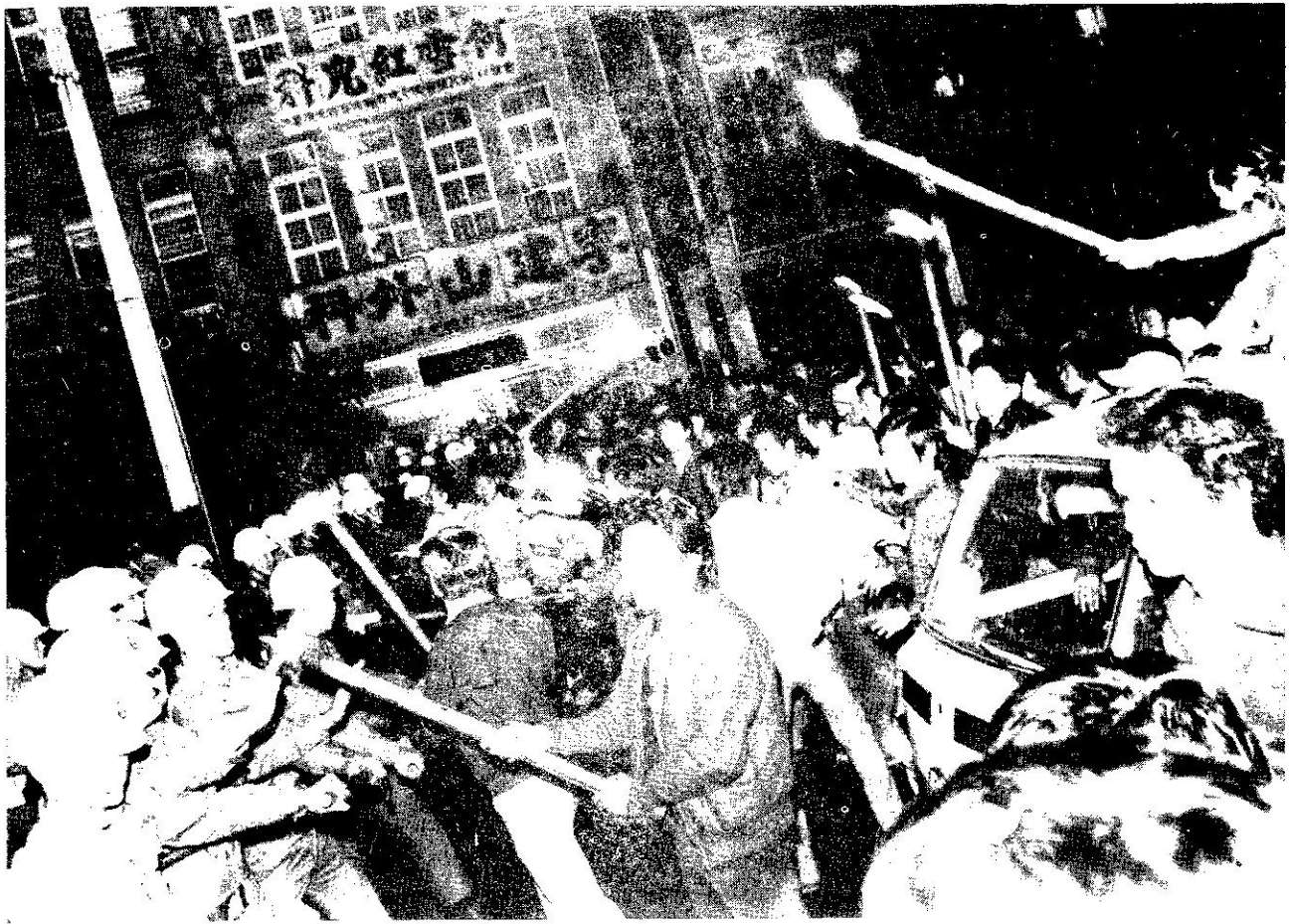
—*Beijing Daily* 4a, JR4286

TORTURE, *continued from page 53*

loyalty and had no scruples about blind destruction and individual revenge. They were easily made tools of class enemies and schemers. When they joined the revolutionary ranks of the proletariat, they were unwilling to submit themselves to revolutionary discipline. Due to the lack of political foresight, they often refused to abide by the line and policy of the Party, and made a mockery of the law. This mentality was the origin of the anarchism and violence which emerged during the Cultural Revolution. All of this represented a malignant relapse of lumpenproletarianism, vagabondism, and the total eruption of various dirty tricks, such as defaming people and encroaching upon personal freedom with impunity. Furthermore, inasmuch as our country was ruled for thousands of years by successive feudal despotic governments, and then became a semi-colonial, semi-feudal society, the ideology of feudal despotism and the traditional customs and habits of clan patriarchalism remain deeply rooted and have infiltrated into all fields of life. Those who are influenced by these habits have only a superficial understanding of proletarian democracy, and have very little idea of how a socialist judicial system works. "Once in power, they quickly issue orders." They forced people to obey their orders, acted arbitrarily and did not hesitate to exercise their traditional feudal patriarchal "authority" and make use of their special skill of "beating, scolding and punishing" people. These are practices they had once taught themselves; they have learned nothing from other teachers. History proves that if they, as judicial personnel of the state, cannot fully adhere to the concept of socialist justice, and foster a proletarian democratic style, then the line and policies of the Party, and the Constitution and laws of the state, once in their hands, can never be implemented.

In the future, any act of compulsion and torture to obtain confessions will be a clear violation of the law, and should be dealt with accordingly.

JR4368



Who are the aggressors? Even photographs in official ROC publications clearly show the police marching against the stationary rally participants. The original caption to the above picture read: "Rioters assault unarmed security forces with clubs, torches and other weapons in the Kaohsiung Incident Dec. 10." But the citizens appear rather passive to us. We see no clubs (and the U.S. State Department has expressed doubt that any had been provided). The torches do not appear to be used as clubs. The young man in the center is not holding his torch as one would if one were swinging it aggressively; rather, he appears to be protecting himself from the police assault. Note that the picture was printed on an angle, giving the false impression of leftward thrust. If the viewer compensates for the tilt, the torch held by the man in white pants is approximately vertical, and all the civilians are essentially stationary.

Of the 139 photographs of the incident which the government claims to possess, this one has been used the most in official propaganda. Presumably, the others are even less incriminating.

Sources: *Free China Review*, Feb. 1980; *Myth and Reality of the Kao-hsiung Riot* (China Youth Club, 2 Ashburton Place, Cambridge MA 02139), in which is reproduced photographs from *Shih-pao chow-k'an*, Dec. 23, pp. 1, 2, 4; *China News*, Feb. 21.

"We cannot tolerate anyone who. . . undermines our solidarity."

—Premier Sun Yun-suan

TAIWAN EDITORIAL, *notes for page 1.*

1. *Free China Weekly* 61, *Free China Review* F, and 31d†4I. Interestingly, in all the attacks on Seymour (sometimes referred to even in English as Ssu-ma Chin, or erroneously as "Professor Chén") the KMT propagandists do not take exception to a single statement that Seymour made.

2. The government claims that 183 people, all police (139 military police, 43 regular police), were injured. "Their attackers were unhurt." *Free China Review* F, and *China Times* 12D.

is the government's *responsibility* to do so — and here we come to the problem.

In the 35 years that the Kuomintang has ruled Taiwan, there has been very little anti-government violence. The alleged perpetrators of such violence as has occurred have been given extreme punishment. Indeed, many *non-violent* critics have been punished, even executed — which means that in such instances the Kuomintang was solely responsible for the political violence. Unfortunately, the *opponents* of the Kuomintang have been subjected to even *more* violence than this. The important point to note is that, whereas the government has been ruthless in punishment of real or imagined *anti-government* violence, it has turned a blind eye to (and evidently even promoted) violence against the non-partisans.

The events of the past twelve months illustrate this. First came the murder, in late May, of Wu Ch'un-fa (Wu T'ai-an — see *Sh* 2). This event was billed as an "execution," but it was an "execution" in the underworld sense. It is clear that Wu (who had been promised leniency if he would support the authorities' outlandish charges against distinguished elder statesman Yu Teng-fa) was killed because he was in a position to tell the world too much.

During the autumn there were numerous acts of violence against the personnel and offices of *Formosa* magazine.³ Even the home of the magazine's publisher, Legislator Huang Hsin-chieh, was attacked. These events culminated on December 9 with the brief arrest and physical abuse of Yao Kuo-chien and Ch'iu Sheng-hsiung, who had been preparing the next day's celebration of International Human Rights Day. The *Formosa* supporters were so outraged at what had been done to these two men that they insisted upon holding the march regardless of government orders to the contrary. As one of the organizers told SPEAHR by phone just hours before the demonstration, the leaders were not entirely in control of the situation at the time.

According to the Kuomintang version of the Kaohsiung incident, "only 200 or so hoodlums" attacked police numbering *at least* 183. (The latter was the number "injured"; the total number of police involved was presumably higher.) We know from pictures that the police carried clubs, and were often well protected by shields. Yet, "their attackers were unhurt." We leave it to the reader to judge the plausibility of this version.

There are a number of reasons for our absolving the *Formosa* leaders from responsibility for the violence. For one thing, they are intelligent people, and always knew that a violent demonstration would be highly counterproductive in terms of their goals. They surely knew that a violent demonstration would have an adverse effect on public opinion, and would result in their own imprisonment on sedition charges. Thus, violence was desirable only from the Kuomintang's point of view.

But more important, these people are

philosophically opposed to political violence. Indeed, this is what their struggle is all about. They want a new political system, where politics is conducted according to peaceful, legal means, rather than a system whereby those in power forcefully silence the opposition. Six of the eight leading defendants are personally known to the SPEAHR leadership; they are thoughtful, dedicated, *non-violent* intellectuals. The other two are known to us by reputation. They are highly respected not only in Taiwan, but also in the United States where they conducted their scholarship. These are not the sort of men and women who would plan or participate in a "riot."

Thus, on the face of it, responsibility for the violence seems to lie primarily with the Kuomintang, not with the non-partisans. So some of the allegations which have been made (which we might otherwise have been inclined to dismiss) begin to take on credibility. For example, one U.S. State Department officer is convinced that Kuomintang *agents provocateur* infiltrated the Kaohsiung crowds and incited the violence.⁴ It is also reported that "criminals from Kaohsiung's underworld" had helped the police in "discrediting and destroying" the democratic opposition movement.⁵

As we go to press, the most recent act of violence has been the murders of the mother and daughters of lawyer Lin Yi-hsiung. Lin, a member of the provincial assembly, was in jail at the time. The mother had just telephoned a SPEAHR member in Japan to report that Lin's confession had been given only because he had been tortured. (We had already heard about the torture of Lin from an independent and unimpeachable source.) Later, during his trial, Mr. Lin testified that two days before the murders his interrogators had threatened that "unfavorable" things could happen to his family if he was uncooperative. He was specifically warned not to tell his family about the "treatment" he had received during interrogation. This injunction was not followed, and tragedy ensued.

This last example of violence against the political opposition is not inconsistent with the established pattern. Once again, people were murdered as part of an effort to hide the truth. We need not search for remote explanations, but neither can we look to the Chinese Nationalists for the facts. (According to one official, "It's obviously a move made either by agents of the Chinese Communists or members of the opposition to stir up more trouble between the Kuomintang and the opposition groups."⁶)

Taiwan desperately needs a moratorium on political violence. The government must lead the way. The non-violent must be released from prison, and the violent must be brought to justice. □

3. *China News*, 1D.

4. Professor Richard C. Kagan, prepared Congressional testimony, February 5, page 10.

5. Newsletter of the International Committee for the Defense of Human Rights on Taiwan (P.O. Box 5205, Seattle WA 98105), quoting the *Kaohsiung Taiwan Times*, 13D.

6. *Washington Post* 29F.

Constitution? Where is our law? Where is our democracy and personal security?

II. Who should Have the Legal Responsibility for Fu Yuehua's 'Crime'?

Today, Fu Yuehua has been detained by the Public Security organ and her case has been turned into one of "crime" on the basis of "No Incriminating Designation Is Needed." But who should have the legal responsibility in this regard? Perhaps nobody has bothered to look into this matter. Here, let us explore and discuss it a little.

Like all other young people of the country, Fu Yuehua at first was a rather simplistic youth. But, after she participated in practical work, it is said that a certain leader took advantage of her simplicity and innocence and proceeded to abuse her and get her in trouble. This made it necessary for her to make appeal visits and pertinent accusations so as to rectify the wrongs administered to her. Rationally speaking, the government and institutions concerned should have investigated and adjudicated her case so as to let her participate in her work with a peace of mind, and to let her enjoy a stable livelihood without having to drift from place to place. But objective facts were contrary to such an expectation. For nine years, the institutions concerned continued to pass the buck from one to another, resulting in all the pains to Fu Yuehua's body and mind.

Was it that Fu Yuehua had failed to send her reports above? Is it that Fu's case should not be solved? No. During those several years in which she made her appeal visits to agencies at the superior levels, Fu Yuehua submitted a large number of letters and communications to concerned organs of the party and government in order to reflect her own conditions and to secure relevant solutions. But her wish was not to be granted. In 1977, under the pressure of her living conditions Fu Yuehua knelt before the gate of the Revolutionary Committee of her municipality and presented her big-character report for as long as nine whole days. Leaders of the municipal and district revolutionary committees also held family meetings at her home, promised to solve her problems for her, and comforted her with the suggestion that she should wait with patience. She was asked to straighten out her family affairs and prepare to return to work. But, the words were uttered, the action did not follow. The matter once more dragged for more than a year with no one ever bothering to ask about it or hearing about it again.

We should see here that the fact that Fu Yuehua knelt to submit her big-character report was due first of all to the pressure of her living conditions and secondly to her desire to present to her government a disciplined and sincere plea. It showed that she herself believed in, and wished to rely on, the party and was unwilling to commit any crime and she did so in the best possible gesture under the circumstances. If the concerned organs took advantage of her initiative and guided her accordingly, and fulfilled their own relevant tasks as a result, the outcome would have been completely different. But, on the contrary, the concerned organs relied not on [a few characters illegible] but on machination and manipulation, adopting base means of deception, and causing her to sustain still further blows in the mind and spirit.

Past experiences have long ago pointed out that if the matter of Fu Yuehua was solved much earlier, so that she would have continued in her work and that her livelihood would have been given the needed protection, plus the fact that normal political and ideological work could also have

SOME QUESTIONS FOR DENG XIAOPING

From Exploration, December 1978

These questions appeared in the most militant of the unofficial publications shortly before Deng Xiaoping's trip to the United States in January 1979. It was apparently Exploration's intention to give American news journalists some ideas of the kind of questions dissidents would like them to put to the vice premier.

1. Does the Chinese Government's prohibition of free exits and entries for Chinese citizens mean that China "does not have this question of immigrations?"

2. Is the Chinese Government's prohibition of free exits and entries for Chinese citizens an infringement of the people's legitimate rights?

3. During the rampage of the Gang of Four, was democracy in China impaired "to some extent" or were democracy and freedom trampled underfoot everywhere in an orgy of persecution?

4. To what extent has China's present policy of "bringing democracy into full play" been implemented in practice?

5. What is the basic difference between the principle and policy of "bringing democracy into full play" on the one hand and the "whole question of human rights" raised by the United States on the other?

6. What would be the dangers to the interests of Chinese citizens if they are granted the same individual rights now being enjoyed by U.S. citizens?

7. Why did he "hope that we will not discuss it" simply because "each has his own interpretation" of the question of human rights?

8. Does "not discussing the question of human rights" mean the nonexistence of this question?

9. If any country in the world today, in the 20th century, openly refuses to discuss the question of human rights to its own people, or of the peoples in the world, is its government not one of a feudal country?

JR3756

been done in her case, then, even given the possibility and opportunity for the commitment of a crime, the situation would not have turned out to be the way it is today. Now that her case has become what it is, who is the one who pushed her onto the road of possible criminal behavior? It is not very easy to see as to who should shoulder the legal responsibility in this regard?

The facts outlined above should be enough to illustrate that the detention of Fu Yuehua was not because she had committed any crime but because some gentlemen who loved feudal despotism to the extreme had chosen to violate the Constitution and violate the law and historical trends and thereby to carry out a case of persecution in the fashion of throwing a rock at someone already fallen in the well. It was also a trial shot at the human rights movement and democratization movement. But we should point out that such a trial shot represents a going back on one's own word, and it should be stopped forthwith. Otherwise, it shall be arraigned before all those who love freedom and democracy dearly and before history itself!

JR3922

fervor and volume of literature that appeared during the thaw, we can assume that the movement continues, albeit invisibly. As Xu Wenli of the April Fifth Forum put it, "If the police repress the young people, they'll just continue underground."⁴ Thus, the challenge to those who oppose democracy will not terminate.

The democracy walls around China, and particularly Xidan Wall in Beijing, achieved international fame as a result of foreign journalists' reporting. These writers (few of whom could read Chinese) picked up the gist of arguments and wrote stories revealing the existence of dissidence against a regime that had once seemed almost beyond criticism. Outsiders also learned that alienated young Chinese had been reading western tracts of political philosophy, and that they had picked up on ideas of liberal democracy, natural rights, due process, and respect for various individual rights. We also saw charges that Mao was really a tyrant, that his words were not gospel, and also that the current rulers may hardly be better than he had been. All, it is said, have been dictators, perverters of communism, manipulators of the idea of democracy, and generally devious.

Clearly, much frustration lies behind such charges. We do not challenge those who consider some of the charges ill-advised and even irresponsible. Our argument is simply that a society is stronger and more progressive when individuals have the right to make such charges. That right supersedes the question of whether the statements themselves are "correct" or not. Nor is this purely a "Western" notion. Its roots can be traced back at least as far as the May Fourth Movement (1919), which gave birth to the Communist Party.

Like the May Fourth Movement and the patriotic movement that raged in the mid 1930s, the Democratic Movement of the late 1970s was launched by young people, among them sons and daughters of high officials. Some of these broke irrevocably with their parents, while others exploited the relationship as a means of obtaining scarce paper, ink and copying equipment, and of picking up clues on imminent changes in the official line.

As in the previous eras, the language and enthusiasm of the democrats spilled over into the lower classes. Suddenly the poor, who had kept silent and seemed to rejoice in their lot for three decades, found their representatives going to Beijing to demand everyone's rights to food, shelter, gainful employment, and freedom from persecution. Even discharged and destitute soldiers, once the pride of the Red Army, voiced such demands. And women who could not afford to feed their children paraded



加盐

"同志,怎么把盐洒在报纸上?"
"这篇文章淡而无味。"

七九年八月华君武

Flavor. Asked why he is sprinkling salt on his newspaper, diner responds: "This article doesn't have any flavor."

Cartoon by Hua Junwu. From Shanghai *Wen Hui Bao* 22a, JR4430.

them at Democracy Wall, sometimes threatening to sell them.⁵

Party authorities tried to discredit the idea of human rights as a foreign bourgeois fallacy. They stuck to their rigid definition of "socialist democracy" (which usually means agreeing with the Party leadership), and attacked their youthful critics as anarchists, juvenile delinquents and hooligans. (How embarrassing it must have been for the leaders to witness pitiful protests from the poor and the military, "classes" of persons who were supposed to have been the main beneficiaries of the revolution!)

Since the start of the democratic movement, at least twenty-eight arrested liberals have come to the attention of outside observers. But history tends to repeat itself, and there is every reason to believe that the numbers of persons — both liberals and leftists — persecuted during the post-Mao era runs into the thousands, and possibly even hundreds of thousands. The fragile nature of the liberalization is indicated by the case of Liu Bingyan, a writer who originally came under fire in 1957 as a "rightist." Liu was rehabilitated a year or two ago, but was rearrested

4. AW-14D.

5. AFP 5†6D.

after he undertook to investigate a corrupt Party official in Heilongjiang. He was freed only after the intervention of propaganda chief Hu Yaobang.⁶

Unfortunately, most dissidents lack such powerful advocates. Two cases in point are Wei Jingsheng and Fu Yuehua. Each of these people's "crimes" are supposed to have been two-fold. First, they criticized the authorities. But because this is not a crime even by Chinese Communist logic,⁷ each was charged with a second offense. Let us look at the additional charge in each case.

The second charge against Wei Jingsheng (the author of the famous essay "The Fifth Modernization"⁸) was "betraying his motherland by supplying military intelligence to a foreigner."⁹ This allegation stems from Wei's having given Reuters correspondent Ian MacKenzie¹⁰ information about commanders, troop numbers, battle developments and casualties in the current Sino-Vietnam war.¹¹ The information hardly strikes us as important enough to warrant a fifteen-year prison sentence. Nor did it strike the Chinese government as particularly sensitive at the time. According to one report, MacKenzie had tried to confirm the information with the Foreign Ministry, which did not object to its publication.¹² Wei himself said that he had received his information from the public media,¹³ and we wonder how else he could have obtained it. Thus, it appears that the charge was trumped up as a means of legitimizing the suppression of a critic.

The supplementary charge against Fu Yuehua was that she had committed libel. This stemmed from her accusations that she had been raped by the acting Party secretary of her production brigade. Such rapes by cadres have not been uncommon in China, and according to what *Asiaweek* calls reliable sources, Fu is an intelligent woman who is not given to making wild accusations.¹⁴ Nevertheless, she endured seven years of hardship just to press her charge. The Party secretary's denial that the two had even had sexual relations was effectively rebutted by Fu, who described his body in intimate detail.¹⁵ The court then decided "not to pursue" the libel charge, though it still termed her "morally degenerate" and reaffirmed the claim that she had committed libel. In the end, she was sentenced to two years imprisonment on a charge of "violating public order."¹⁶

These trials were not very creditable affairs. They were not truly public. Friends and relatives were not admitted — only government functionaries.¹⁷ Indeed, these may not have been trials at all, but rather ratifications of the government's decision to suppress these dissidents. Beijing Radio inadvertently announced Wei Jingsheng's conviction the day before the "trial" was held.¹⁸ And the official New China News Agency was calling him a "counter-revolutionary" before the court "decided" to convict him of the charge.¹⁹ So much for the Universal Declaration of Human Rights' requirement

of an "independent and impartial tribunal"!

China's leaders believe that if only dissent could be eliminated, all of the nation's other problems could readily be solved. This is not a very modern idea, but it lives on. *People's Daily* recently quoted the adage: "If the people are of one heart, even Mount Tai can be moved." *PD* goes on to blame China's past troubles on lack of unity. Although the commentary advocates lively discussion, and acknowledges that sometimes even "correct" views can be "enriched and perfected" by dissenting ones, it reaches the conclusion that all views must support the Four Modernizations — i.e. Deng Xiaoping's policies.²⁰ On another occasion, the paper said that the activities of the democratic activists amounted to "anarchism," and could result in a reduction in China's agricultural production, thus leading to starvation.²¹

But, as we suggested in our editorial in *SPEAHRhead's* first issue, we believe that economic justice and growth require *more* freedom of expression, not less. Are the material interests of Fu Yuehua's peasant followers advanced by her imprisonment? Has it helped agriculture to silence the critics of admittedly disastrous agricultural policies? We have it on the authority of Gansu Radio that the contrary is the case.²²

China's problems are formidable. We do not profess to have the solutions. But we believe that if free discussion is permitted, the Chinese people themselves will be able to identify the best solutions. In the absence of freedom of expression, we see little hope for ending China's poverty. □

6. NYT-22N.

7. Judge Wu Wenzao, vice president of the court that heard Wei's appeal, commented: "The law of our country disallows ideological crime. . . . It is not a crime so long as those harboring reactionary ideas do not engage in propaganda for instigation and do not create any danger to society" (BJ10†13N).

8. Wei's essay was originally published in three parts. The complete text appears in a collection of writings by various democratic movement writers, *The Fifth Modernization: China's Human Rights Movement, 1978-1979* (Earl Coleman Enterprises, P.O. Box 143, Pine Plains, New York 12567).

9. NYT-15N.

10. MacKenzie is identified in WP-31o as the person who received the information.

11. PD-17†24o.

12. FEER-26o.

13. FEER-2N.

14. AW-22N.

15. WP-29o, AW-23N.

16. BJ24†26D. For additional information on the Fu Yuehua case, see N.Y. *Bei-Mei Ribao* 25D.

17. NYT-17o.

18. NYT-18o.

19. NYT-17o.

20. BJ3†111.

21. HK4†5D.

22. A Gansuan cadre once "put forward some dissenting views" concerning agricultural policies now deemed erroneous. "The leaders slandered him, saying that he did not believe in putting politics in command. They also stirred up a cold wind, and suppressed the people's revolution. Their efforts put all cadres in a dilemma. When they emphasized production, they feared that [bad political] labels would be stuck on them. If they neglected production [in favor of politics,] they feared that the people would starve. [Emphasis added] . . . They did not allow people to reveal the truth" (GS12†1477, *Sh-1*, p. 21).

ON TORTURE

The following is a remarkably frank discussion from Beijing Daily (20j) about the abuse of prisoners in China. The article is by Zhang Zibo and Wu Lei, and originally appeared under the title "Obtaining Forced Confessions and Giving Them Credence Is Illegal."

Article 32 of the Criminal Code of the People's Republic of China stipulates: "It is strictly forbidden to force confessions by torture and to collect evidence by intimidation, seduction, deception and other illegal means." This principle—that there should be no torture or forced confessions, and that no credence should be attached to forced confessions,—is an important one that has always been upheld in the people's judicial work.

When Lin Biao and the "Gang of Four" were in power, torture and compulsion were much "in vogue," and people were mercilessly afflicted both mentally and physically. Many were injured, disabled, and even killed. From one end of the country to the other, a large number of "cases" were manufactured which have now been proved erroneous and unjust. All of this has done great damage to the Chinese Communist Party.

Torture and compulsion are barbarities by which exploiters resort to maintain their reactionary rule. In China's old feudal society, the various judicial organs adopted merciless methods including torture. During the Qin and Han dynasties [221 B.C. - 220 A.D.] men were tortured even though there were not laws permitting the practice. Later, torture was written into the laws. There were many kinds, such as squeezing the prisoner's limbs between wooden rods, inserting sharpened bamboo splinters into his fingertips, burning with a hot iron, pouring water into his nose, and hanging him by the limbs. During the Ming and Qing dynasties [1368 - 1912] women also were tortured. With all of this, countless innocent laboring people were victims of injustice.

Under the reactionary Kuomintang [Chinese Nationalist] government, not only were merciless feudal punishments meted out, but modern lethal weapons were also employed to cripple and murder innumerable revolutionaries. Thus, it is evident that all judicial organs and personnel of the exploiting classes, in order to maintain their reactionary rule, have suppressed the resistance of the people by extracting defendant's confessions for evidence. A superstitious attitude has been taken toward such confessions, which have been routinely accepted. It was believed that only torture would cause people to confess according with their subjective imagination. Therefore, obtaining confessions by torture became a common and important aspect of the exploiting classes' judicial work. This clearly manifested the reactionary nature of the exploiting classes, which, not having the truth on their side and having no popular support, became isolated and feeble.

The judicial organs of the proletariat always take care of the important interests of the broad masses. In handling a case, they must and can only proceed from reality, seek truth from facts, rely on the masses, investigate and study, and, on the basis of the evidence and socialist law, compel the majority of criminals arrested to admit their guilt, serve their sentences, repent and reform. Therefore, laying stress on investigation and study, never casually giving credence to

confessions, and strictly prohibiting torture—these constitute the policy which our Party has always upheld, and are also the revolutionary tradition and the fine style of our people's judicial organs.

As early as the Gutian Conference [1929], Comrade Mao Zedong expressed his opposition to "the practice of executing deserters and the system of corporal punishment." In 1940, the point was driven home in his essay "On Policy": "In trying criminals, corporal punishment must be abolished. Stress must be laid upon the weight of evidence, and confessions must not be taken on faith." During the Yanan rectification movement, when the scope of the movement to suppress counterrevolutionaries was mistakenly enlarged, Comrade Mao Zedong put forth his definitive Nine Guidelines. He resolutely opposed subjective methods of torture and corrected such mistakes.

After the founding of the People's Republic, Comrade Mao often reiterated the on-going Party policy. "Proceed from reality, rely on the masses, seek truth from facts, investigate and study, never take confessions on faith, and do not use corporal punishment." "Counterrevolutionaries must be suppressed; mistakes must be corrected." During the Great Proletarian Cultural Revolution, Comrade Mao again emphasized repeatedly: "Rely on study, investigation, and evidence. Obtaining confessions by compulsion and giving them credence is prohibited."

These important instructions from Comrade Mao Zedong were embodied in the laws and regulations of our country before the Cultural Revolution. Most political and judicial organs were able to sincerely implement the principle of seeking truth from facts through investigation and study, apply fully the power of policies and laws, handle cases correctly, and, to protect the people, deliver steady, *accurate* and hard blows to the enemy.

How could excessive corporal punishment and torture frequently occur in some places? How could Lin Biao and the Gang of Four carry torture to such an extreme? The answer is to be found deep in our society's historical roots.

First of all, it was impossible for the revolutionary ranks to avoid being infiltrated by class enemies and bad elements. Whenever and wherever the judicial system of the revolution was seriously sabotaged, it was always inseparable from the sinister activities of the class enemies and bad elements who had sneaked into the revolutionary ranks to stir up trouble, sow seeds of dissension, make false accusations and seek class revenge. Renegades, enemy agents and class dissidents like the Gang of Four wormed their way into the supreme leading bodies, and presented themselves as the incarnation of the Party of the "left." They then persecuted revolutionary cadres and masses according to their political "theory" and "programs," extorted confessions by torture, and wantonly beat up and murdered the people. The result was catastrophic for our Party. We must learn from this sanguinary lesson and never forget it.

Next, "a combination of lumpenproletarian and petty-bourgeois ideology" (*Selected Works of Mao Tse-tung*, Vol. I, p. 115 [English Edition]) is today still undermining our socialist judicial system. As our country was long under the oppression of imperialism and feudal compradors, conservative small producers were scattered like a vast sea, and large numbers of bankrupt peasants and unemployed handicrafts people became vagabond proletarians. These joined in our organized "backward secret societies," believed in personal

(Continued on page 47)

Article I: Purposes and Principles

The Society for the Protection of East Asians' Human Rights, U.S.A. Section (hereafter: SPEAHR/USA) is a non-partisan organization which seeks to encourage respect for human rights in China, Japan, Korea, Mongolia and Taiwan, and to publicize the state of human rights there. SPEAHR/USA may on occasion appeal or publicize specific violations of the United Nations' Universal Declaration of Human Rights. However, statements and activities shall be restricted to human rights issues, and no positions will otherwise be taken by the Society favoring or disfavoring the individuals or governments concerned. No positions shall be taken respecting the legitimacy of geopolitical boundaries.

Article II: Officers

SPEAHR/USA shall be governed by a Board of Directors, comprised of six people elected by the membership. A Board shall serve for not more than twenty-five months. The Board shall elect a president from among its members. The Board may also choose such other officers as may be deemed appropriate (who need not be Board members), as well as a Supervisory Committee and an Advisory Committee. Three Directors comprise a quorum.

Article III: Elections

Procedures for the election of Directors shall be open and democratic. The time and manner of nominations and elections shall be announced at least two months before an election is to be held. Each Director's term expires no later than twenty-five months after he or she was elected, by which time new elections must be held. Unless the Board shall provide otherwise, each individual member of SPEAHR/USA shall be entitled to cast one vote for each Director position to be filled.

Article IV: Members

Anyone may join SPEAHR/USA who pays dues as set by the Board of Directors, and who agrees, insofar as he or she is acting as a member of the Society, to abide by these Articles.

Article V: Limitations

SPEAHR/USA exists solely for charitable purposes as set forth in Article I. No part of its resources may inure to the benefit of individuals or private interests, except as bonafide relief for destitute families of prisoners of conscience in East Asia. It may not, as a substantial part of its activities, attempt to influence legislation, or participate in a political campaign for or against any candidate for public office. All resources shall be handled in a manner consistent with Section 501 (c) (3) of the U.S. Internal Revenue Code.

Article VI: Amendments

These Articles may be amended pursuant to the following process: An amendment may be proposed by three directors, or on petition of five percent of the membership, whereupon it must be presented to the membership to be voted upon. To become part of these Articles, a proposed amendment must be approved either by two-thirds of the membership on one occasion, or on two occasions (at least eleven but not more than 25 months apart) by simple majorities.

Article VII: Termination

The termination of SPEAHR/USA may be proposed in the same manner as an amendment by be proposed, and becomes

Article I: Purposes and Principles

The Society for the Protection of East Asians' Human Rights (hereafter: SPEAHR/International) is a nonpartisan international organization which seeks to encourage respect for human rights in China, Japan, Korea, Mongolia and Taiwan, and to publicize the state of human rights there. SPEAHR/International may on occasion appeal or publicize specific violations of the United Nations' Universal Declaration of Human Rights. However, statements and activities shall be restricted to human rights issues, and no positions will otherwise be taken by the Society favoring or disfavoring the individuals or governments concerned. No positions shall be taken respecting the legitimacy of geopolitical boundaries.

Article II: Officers

SPEAHR/International shall be governed by a Board of Directors, comprised of six people elected by the membership. Directors shall serve for not more than twenty-five months unless re-elected. The Board shall elect a president from among its members. The Board may also choose such other officers as may be deemed appropriate (who need not be Board members), as well as an executive director, and an advisory committee. Three Directors comprise a quorum.

Article III: Elections

Procedures for the election of Directors shall be open and democratic. The time and manner of nominations and elections shall be announced two months before an election is to be held. Each Director's term expires no later than twenty-five months after he or she was elected, by which time new elections must be held. Unless the Board shall provide otherwise, each individual member of SPEAHR/International shall be entitled to cast one vote for each Director position to be filled.

No person shall be entitled to participate in an election more than once, even though he or she may belong to SPEAHR/International in more than one capacity.

Article IV: Members

Any member of a national section of SPEAHR, thereby indicating acceptance of the principles set forth in Article I, is automatically a member of SPEAHR/International. The Board of Directors may also provide for individual memberships in SPEAHR/International for people unable to participate in a national section.

Article V: Amendments

These Articles may be amended pursuant to the following process: An amendment may be proposed by three Directors, or by the board of directors of a national section, or on petition by five percent of the membership, whereupon it must be presented to the membership to be voted upon. To become part of these Articles, a proposed amendment must be approved either by two-thirds of the membership on one occasion, or on two occasions (at least eleven months apart but not more than 25 months apart) by simple majorities.

effective upon acceptance by a majority of the membership in addition to a majority of the Board of Directors. In the event that the Society is dissolved, any and all assets remaining after payment of debts shall be contributed to a recognized charitable organization meeting the requirements of Article 501 (c) (3) of the U.S. Internal Revenue Code.

LEGEND

† This symbol indicates that our source is a broadcast transcript. Before the † will appear the location of broadcasting station, and the date of origin. "Date of origin" means the date of the original report, which in some cases will be the date the report was first published (as in a newspaper), rather than date of broadcast. If different, the FBIS date follows the †. (U.S. Foreign Broadcast Informa-

tion Service, *Daily Report*). FBIS volume number (IV, in the case of the People's Republic of China) is omitted if obvious. Years are not indicated except for items more than 9 months old. Broadcast dates are Greenwich Mean Time.

[] A two-digit number in brackets indicates the relevant article of the U.N.'s Universal Declaration of Human Rights (1948). See page 2.

A April
a August
AFP Agence France Presse
AH Anhui Province
AW *Asiaweek*
BJ Beijing (Greater Peking)
BR *Beijing Review*
C China, People's Republic of
c circa
D December
F February
FEER *Far Eastern Economic Review*
FJ Fujian Province
GD Guangdong Province
GM *Guangming Daily*
GS Gansu Province
GX Guangxi (Zhuang) Autonomous Region
GZ Guizhou Province
HB Hubei Province
HEB Hebei Province
HEN Henan Province
HK Hong Kong
HL Heilongjiang Province
HN Hunan Province
I January
J June
j July
JL Jilin Province
JP Japan

JR U.S. Joint Publications Research Service (final digits of document number)
JS Jiangsu Province
JX Jiangxi Province
K Kyoto
LN Liaoning Province
M March
m may
MPR Mongolian People's Republic
N November
NK North Korea
NM Nei Monggol (Inner Mongolia) Autonomous Region
NX Ningxia (Hui) Autonomous Region
NYT *New York Times*
o October
PD *People's Daily*
PRC People's Republic of China
QH Qinghai Province
R Reuters
S September
SC Sichuan Province
SD Shandong Province
SH Greater Shanghai
Sh *SPEAHRhead*
SK South Korea
SN Shaanxi (Shensi) Province
SX Shanxi (Shansi) Province

T Tibet (Xizang Autonomous Region)
TJ Tianjin (Greater Tientsin)
TK Tokyo
TW Taiwan (Republic of China)
U Union of Soviet Socialist Republics
WP Washington Post
XH Xinhua (New China News Agency)
XJ Xinjiang (Uygur) Autonomous Region
YN Yunnan Province
ZJ Zhejiang Province

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